

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING
SEPTEMBER 20, 2004

INGRAM OFFICE BUILDING
7900 HICKMAN ROAD
URBANDALE, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Darrell Hanson at 10:00 a.m. on Monday, September 20, 2004 in the Ingram Office Building, Urbandale, Iowa.

MEMBERS PRESENT

Kathryn Murphy
Darrell Hanson, Chair
Terrance Townsend
Heidi Vittetoe, Secretary – arrived at 10:10 a.m.
Donna Buell
Lisa Davis Cook
Lori Glanzman

MEMBERS ABSENT

Francis Thicke
Jerry Peckumn, Vice Chair

ADOPTION OF AGENDA

Motion was made by Kathryn Murphy to approve the agenda as presented. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by Terry Townsend to approve the minutes from the August 16th meeting as presented. Seconded by Lisa Davis Cook. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Wayne Gieselman said that the Administrative Rules Review Committee passed the Air Quality Rules; however this could still be nullified by the legislature. The rule will be effective on September 22, 2004.

INFORMATIONAL ONLY

CLEAN WATER STATE REVOLVING LOAN FUND – 2005 INTENDED USE PLAN

Wayne Gieselman, Division Administrator of the Environmental Services Division presented the following item.

Commission approval for the Clean Water State Revolving Fund Intended Use Plan (IUP) 2005 is requested. An IUP must be prepared and submitted to the EPA annually and prior to receiving a capitalization grant.

The FY 2005 IUP includes the list of projects proposed to receive loan assistance through the state revolving fund with money available for 2005 as well as uncommitted previous years' funds. Eleven projects totaling \$6.9M have been added to the fundable list of projects for FY 2005. It is anticipated that there will be quarterly amendments to the IUP in the future as additional applications are received.

The IUP includes four non-point set-asides. Iowa statute allows the SRF to be used for non-point pollution prevention and abatement projects. Three set-asides were previously established with designated amounts. The General Non-point Source set-aside was established last year but rules call for applications to be received to establish a set-aside amount. This IUP establishes an amount for this set-aside based on the receipt of one application.

The IUP includes a transfer of funds from the CWSRF to the drinking water SRF as allowed by federal and state statute.

Two new positions were generated to help the SRF programs. The point-source position has been filled; the non-point source position is still open.

A public meeting was held on July 28, 2004, to allow opportunity for input on a proposed IUP. Comments are summarized in Section IX of the IUP. Comments from EPA were also received and have been addressed in this recommended IUP.

Quarterly updates will be given to the Commission rather than annual updates.

Motion was made to untable Item 4 – Clean Water SRF 2005 Intended Use Plan from last months meeting. Seconded by Lisa Davis Cook. Motion carried unanimously.

Jeff Vonk said that there will be a kaizen improvement event on the grant application process. This will encourage greater utilization of funds due to a more efficient process.

Motion was made by Donna Buell to approve the item as presented. Seconded by Terry Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION - AMENDMENTS TO CHAPTERS 60, 63, 64 AND 65 – CAFO REGULATIONS

Gene Tinker, Animal Feeding Operations Coordinator of the Environmental Services Division presented the following item.

The proposed rules will amend 567 Iowa Administrative Code Chapters 60, 63, 64 and 65. The purpose of the amendments is to conform Iowa's regulation of "confined animal feeding operations" to amended regulations adopted by the U.S. Environmental Protection Agency.

Iowa has been delegated the authority by EPA to administer the "National Pollutant Discharge Elimination System" [NPDES] permit program under the federal Clean Water Act. Iowa Code section 455B.177(1) declares the state policy authorizing implementation of the federal permit system for regulating discharge of pollutants. Iowa Code section 455B.173 provides more specific rulemaking authority relating to implementation of this program, including the authority to adopt federal effluent standards and rules relating to the operation of point sources. Iowa Code section 459.103 authorizes the adoption of rules relating to the operation of animal feeding operations.

The NPDES permit program requires that "point sources" that discharge or potentially discharge pollutants to waters of the State be operated pursuant to a NPDES permit. CAFOs, as defined in the federal regulations, have been considered point sources since 1974. The February 12, 2003, federal amendments revised the definition of CAFO, and established new regulatory requirements. In order to remain consistent with federal law, and maintain delegation of this program, the department must update its rules on this subject. It should be noted that one significant aspect of the NPDES/CAFO regulations, effluent standards at 40 CFR 412, were updated in 2003 as part of the department's annual updating of federal effluent standards. 567 IAC 62.4(12).

Iowa law has provided for regulation of animal feeding operations for at least 35 years. CAFOs have been required to be regulated under the NPDES program for 30 years. The Iowa regulatory system has classified animal feeding operations as "confinement feeding operations (CFO), which are totally roofed and enclosed operations, and "open feedlots." Iowa law has a long-established "no discharge" standard for CFOs. Thus, under the prior federal definition of CAFO, this department, with the concurrence of the USEPA, has considered CFOs not to be CAFOs, regardless of size. The new federal definition of CAFO makes it clear that CFOs that meet the applicable size thresholds are presumptively CAFOs. This change will bring an estimated 1,800 CFOs into regulation under the NPDES program.

At the same time, over the past nine years, an extensive regulatory program for larger CFOs has been developed under Iowa law. For the most part, the department asserts that the state regulatory system for CFOs is equivalent to, and in some areas is more stringent than, the federal CAFO program. The department seeks to accomplish two things in these proposed amendments, with respect to regulation of CFOs: (1) the current regulation of CFOs under Iowa law is not to be weakened – where existing state rules are more stringent than the CAFO regulations, state law governs; and (2) to the extent legal and practicable, the department seeks to minimize any

additions or changes to the current regulatory system for CFOs. For example, the department intends to maintain the current, recently revised state manure management plan system to satisfy the federal requirements for nutrient management. In addition, the department intends to meet the NPDES permit requirement for CFOs through a general permit, to be developed prior to their being brought under CAFO regulation.

The following is a summary of the proposed amendments:

Items 1 and 2 adopt an updated form for CAFOs to apply for a NPDES permit, to conform to the federal regulations.

Item 3 moves and updates the monitoring and reporting requirements for CAFOs from chapter 63 to chapter 65 – see also Item 10, subrule 65.6(9).

Item 4 updates the reference to federal CAFO regulations in subrule 64.3(1), subparagraph “h”(2).

Item 5 adds or amends definitions to conform to the CAFO regulations; the definition of “animal unit” is also amended to conform to amendments made by 2003 Iowa Acts, chapter 138.

Iowa Code section 455B.105(3) notice and statement of reasons. In the definition of “large CAFO” and “medium CAFO” the department is proposing to retain the current policy of adding the animal units when multiple species are maintained at the same operation, to determine whether the threshold is met, as was the case under the prior CAFO definitions. The new federal regulations amend this policy at the federal level, so that the threshold value for each species is used individually, and the concept of “animal units” is no longer used. For example if an operation maintained 900 beef cattle and 2,000 feeder swine, the threshold limit for each species, 1,000 and 2,500 respectively, would not be met, but if added together would exceed 1,000 animal units. The federal regulations would not define this operation as a CAFO. The definitions that the commission proposes would define this operation as a CAFO. Thus the proposed rules are arguably more stringent than the federal regulations. Therefore, pursuant to Iowa Code section 455B.105(3) the commission is required to give notice of this, state its reasons for proposing a more restrictive rule, and explain the general financial impact upon affected parties.

The more restrictive definitions are proposed because they are consistent with current Iowa law and the prior federal and state CAFO definitions, they make common sense, and they will have little or no adverse impact on the regulated community. The current, relatively new Iowa law, Iowa Code chapter 459, adopted the animal unit concept for determining regulatory thresholds for animal feeding operations. The prior CAFO regulations, at both the state and federal level, used this concept. Thus, the regulated community is familiar with and accustomed to its use. It does not make sense to this department that a combined 900 head cattle, 2000 head swine operation would have less potential for pollution than a 1000 head cattle operation, or a 2500 head swine operation, each of which would be defined as a CAFO. Moreover, we believe that this proposal will have little, if any, adverse impact, financial or otherwise, on the livestock industry. First, it does not appear that there are that many facilities in Iowa that feed more than one species at levels that would put them in this category of regulation. The department solicits comment on this observation. Secondly, such facilities are already highly regulated under state

law. We do not believe that being required to obtain a NPDES permit will add any significant regulatory or financial burdens to this size of operation. The department solicits comment on this observation. The department has considered the concern, which may apply to a significant number of operations, that a confinement operation that is just under the CAFO threshold, for example a 960 animal unit (2,400 head) swine operation, coupled with a small (50-100 head) beef open lot would subject the small open lot to the more stringent CAFO manure control requirements. For this reason, the rules require, in the case of multiple species, that the type of housing, total confinement or open lots, be the same for each; i.e. both must be total confinement or both must be open lots.

Item 6 amends the minimum manure control requirements for open feedlot CAFOs to more closely conform to the federal language.

Item 7 amends the requirements for land application of manure by CAFOs and revises the language applicable to other CFOs. Item 10, 65.6(9) provides further detail. These provisions propose to utilize the Iowa manure management plan system to the maximum extent possible, to satisfy the federal requirements.

Item 8 strikes and replaces rule 65.4. The current rule essentially adopts the prior federal definition of CAFO and requires those operations to obtain an operation permit. The proposed new rule deals with the same subject matter and incorporates more specifically the federal language. The new federal exception from regulation as a CAFO based on a “no potential to discharge” determination is incorporated.

Item 9 amends rule 65.5, which addresses how the department may designate smaller animal feeding operations as CAFOs, and more closely conforms to the federal language.

Item 10 amends rule 65.6, relating to the procedures and policies for obtaining a NPDES (formerly “operation”) permit for CAFOs, and the conditions to be incorporated into NPDES permits for CAFOs, to conform with the new federal regulations. Facilities that were not previously regulated as CAFOs, i.e. the large total confinement facilities, are given until February 2006 to apply. It should be noted that this rulemaking action does not include a “general permit” provision, but it is the intent of the department to adopt a general permit for total confinement CAFOs by that time, in a separate rulemaking.

Item 11 amends the language in subrule 65.7(1) relating to construction permit requirements for CAFOs.

Item 12 addresses current legal challenges to some of the federal regulations being implemented in these amendments. In the event that the underlying federal regulations are invalidated, it is not the intent of the department to implement them through state rules.

Any interested person may make written comments or suggestions on or before November 5, 2004. Comments should be directed to Gene Tinker, Iowa Department of Natural Resources, 900 East Grand, Des Moines, Iowa 50319-0034, fax (515)281-8895, E-Mail gene.tinker@dnr.state.ia.us. Public hearing will be held on November 5, 2004, at 1:30 p.m. in

the Fifth Floor Conference Rooms of the Wallace State Office Building. Comments may be submitted orally or in writing.

Any persons who intend to attend the public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

The amendments may impact small business.

These amendments are intended to implement Iowa Code sections 455B.171-191 and 459.301-318.

Gene Tinker said that we are currently speculating no fees for the NPDES permit.

PUBLIC PARTICIPATION

MIKE DEAHR, small feeding operator from West Liberty, Iowa stated his concerns with the general/individual permitting. The problem is not in what is written but in how the bureaucratic or administrator interprets things. The general permit discriminates the least amounts of most people and will probably be the easiest to administrate at a fair and equitable manner across the board. Standardizing things seems to be fair to everyone.

Regarding the small verses large operations; there are certain economic dynamics that drive every industry whether we like it or not. As the older generation dies off, there will not be a market for anything less than 1,000 pigs.

JERRY ANDERSON, from West Liberty stated his concerns on the permit process whether general or individual. The department and EPC has spent a good quality of time on the master matrix and trying to make a standardize procedure across the state. I would encourage the standardization on the general permitting process. The individual permits could allow for personal bias. I support general permitting.

I would encourage the state to use a different system when naming the sizes of facilities, since our numbers do not match the federal requirements. Instead of small, medium or large, use A, B, or C, just so the producers know the requirement levels on a certain system.

I believe there needs to be more clarification when referring to when construction/additions to a site begins.

KARI CARNEY, representing Iowa CCI said that they support the efforts being made on the CAFO regulations. We are glad to hear that you are considering the watershed based permits. We believe the department really needs to look at individual permitting. Everyone does have something different, there are no standardize facilities. Individual permits would be good for

facilities that have had a lot of problems. Also, the Department and Commission should consider setting up a fee structure for these permits similar to the Title V permits.

LISA WHELAN, representing Iowa CCI said that CCI members support the amendments to the definitions, construction permit requirements, Master Matrix and Groundwater Determination. This rule change would require construction to be completed within three years, or they would have to go apply for a permit. We encourage the Commission to support this rule.

TARAH HEINZEN, representing the Sierra Club said that they support the watershed based and individual permits for facilities with history of discharges or levels above the thresholds. There are a few concerns with the proposed rules. I think we need the manure management plan to include a prohibition of application on manure on saturated, frozen or snow covered ground and before accepted precipitation for protecting water quality. I also think these rules should address groundwater concerns. I'm also concerned about the no potential to discharge determination in the rules. The whole idea of this exemption seems to be inconsistent with EPA's definition of a CAFO as a point source and the language in the draft rules seems to imply that even CAFOs given this exemption might become dischargers. This seems to be lacking in common sense.

We have concerns with the language regarding open feed lots. (pages 14 & 15 of the draft rules) They are referenced without any supporting information to demonstrate that these analogies will be sufficient to prevent any discharges into any waters in the state.

The reference on page 25 of the draft rules; the agriculture storm water definition needs to be more carefully defined so that it's clear that the DNR rules are going to be in compliance with EPA's definition of agriculture storm water.

The Sierra Club supports item 6 – Amendments to Chapter 65 – Definitions, Construction Permit Requirements, Master Matrix and Groundwater Determination.

CHRIS GRUENHAGEN, representing Iowa Farm Bureau said that the new federal AFO/CAFO rules will be presenting new challenges for livestock farmers. Much of the new CAFO regulations are required by the federal rules and we understand that Iowa needs to come into compliance with those; however, in several cases the department lacks statutory authority under Iowa law to adopt parts of this rule. This could be remedied with either specific legislation in some cases or seeking a substantial equivalent ruling in others. We are just asking the department and commission to resolve some of these issues. Basically, we need to go back into Iowa law and amend it to make it consistent with federal law, so that there is statutory authorization to move forward with this rule.

Another area where the state law differs from the federal rules, is in the land application separation distances that are in place. Those also need to be clarified so that they are consistent.

The lack of statutory authority in several areas in the differences between state and federal rules, needs to be resolved before the final adoption of these rules. We look forward to working with the department to accomplish this.

Comments on Item 6 – NOIA – Amendments to Chapter 65 – Definitions, Construction Permit Requirements, Master Matrix and Groundwater Determination:

Under Item 1 – Change of statutory definition - under Iowa law, I don't believe that you have authorization to change the statutory definition. I ask you to consider looking at Item 1 before sending out for public comment.

SUSAN HEATHCOTE, representing the Iowa Environmental Council made the following comments:

Agenda Item 5 - NOIA Amendments to Chapters 60, 63, 64 and 65 – CAFO Regulations

The DNR is proposing to amend Iowa livestock regulations to make these regulations consistent with the new federal CAFO rules.

Operation Permits:

The Council supports the DNR proposal to continue to require open feedlots to obtain individual permits.

DNR intends to meet the NPDES permit requirement for confinement operations through a general permit, to be developed prior to their being brought under CAFO regulation. The Council has some concerns about a statewide general permit for all confinement feeding operations. The Council recommended that DNR require individual permits for certain confinement feeding operations that are tailored specifically to their facilities and that have more stringent permit such as (1) CAFOs located in ecologically sensitive areas or areas where groundwater is threatened; (2) CAFOs with a history of noncompliance; or (3) CAFOs that are exceptionally large.

For those confinement feeding operations that would be eligible for a general permit, we request that IDNR develop watershed-based permits in lieu of one statewide general permit. EPA has been encouraging states to increase the use of watershed-based permitting, because it leads to more environmentally beneficial results. Watershed based general permits would allow the state to tailor the permit conditions to regional concerns, such as Karst topography in Northeast Iowa, ADWs in North Central Iowa, the fragile Loess Hills in Western Iowa and hilly terrain and steep slopes in southern Iowa. Watershed based permits are particularly appropriate for Iowa, because CAFOs exist in high concentrations in some watersheds and contribute to water quality impairment. A watershed based permit would be a tool to manage concentration in areas where it already occurs and to prevent over concentration in other areas of the state. A single statewide general permit that is not targeted to address specific water quality concerns, would not only be less protective of Iowa's resources, but would also have limited opportunity for public involvement. A watershed-based approach would provide more public involvement.

Technology Standards for Open Feedlots: The Council has concerns that in Item 6 of the proposed rule DNR sets forth some of the technology standards for open feedlots which requires open feedlots to control manure and process wastewater during a 25-year, 24 hour rain event or a 100-year, 24 hour rain event depending on when the facility was constructed. DNR also stated that open feedlots that use controls listed in Appendix A of its old rules are deemed to be in

compliance with both technology standards. In addition, DNR stated that control of manure and process wastewater from pen feedlots may be accomplished through the use of retention basins, terraces, or other runoff control methods.

The Council supports the development of alternative technologies that comply with federal law, however, DNR should consider them through the permitting process on a site-specific basis. IDNR should remove all references to Appendix A and other alternative control methods in its draft rules. If DNR keeps the references to these control methods in the proposed rule, they should provide information to the public that demonstrates that these control methods are proven technologies and that they will meet the federal guidelines for every open feedlot CAFO.

The federal effluent guidelines are based on the use of storage ponds and lagoons to contain the process wastes and run-off during a rain event so it is hard to imagine how terraces, for example, could achieve the same result. Likewise, Appendix A refers to control systems for a 25-year, 24-hour rain event, so IDNR should explain how those systems would also meet federal requirements in a 100-year, 24 hour rain event.

Phosphorous: Permitted CAFOs must have their nutrient management plans (NMPs) developed and implemented by December 31, 2006. NMPs must include technical standards that minimize phosphorous and nitrogen transport to surface water. IDNR's draft rules violate federal law, because they allow some confinement CAFOs to avoid developing and implementing phosphorous requirements in their NMPs until August 25, 2008.

Multiple Species: The Council supports the department's proposal to retain the current policy of adding animal units together when multiple species are maintained at the same operation to determine whether the regulatory threshold is met. However, we do not understand why the draft rules require that the type of housing must be the same when adding multiple species together if the rationale for adding the animal units together is to address the cumulative quantity of manure and its impact through the CAFO permit. Once an operation is defined as a CAFO, regardless of animal or housing type, the regulations apply to all of the manure and wastewater generated by the operation. Furthermore, in the event that waste streams from multiple livestock species are commingled, and the regulatory requirements for each species are not the same, the permit should be based on the more stringent requirements.

NPDES permit fees: The Council supports requiring permit fees for all NPDES permits, including CAFO permits and municipal and industrial wastewater discharge permits.

ELDON MCAFEE, representing the Iowa Pork Producers Associates, Iowa Cattlemen's Association and the Iowa Poultry Association. As we look at the NPDES permits, what are we really trying to accomplish? More paperwork or some kind of environmental protection? Iowa has extensive regulations right now that our producers must comply with. Let's look at how that fits with what we must do with federal rules, I realize we may not have some flexibility in some cases. Members of the organizations that I am representing today would encourage general permits. General permits in my mind are very similar to regulations, they apply to certain situations and they can be very helpful in accomplishing a goal without increasing unnecessary paperwork. We are concerned about a watershed based approach verses a statewide general

permit because I'm not sure that it accomplish a goal any better or any worse than what we have in looking at the current regulations of the state. When we look nationally, we have a lot more regulations that affects our producers than many other states, that will maybe have to do something different to comply with AFO/CAFO requirements. The organizations I'm representing are also concerned about how the CAFO requirements are proposed now to combine open feed lots and confinement operations under one NPDES permit. We are somewhat restrained with the federal rules, but I hope that we can work something out to help our producers with the smaller, older open feed lot operations. We are looking forward to the public hearings regarding this issue.

Comments on Item 6 – NOIA – Amendments to Chapter 65 – Definitions, Construction Permit Requirements, Master Matrix and Groundwater Determination:

We are receiving concerns from members on the three year rule on completion of construction and how that can effect poultry producers.

--End of Public Participation--

NOTICE OF INTENDED ACTION - AMENDMENTS TO CHAPTERS 60, 63, 64 AND 65 – CAFO REGULATIONS –CONTINUED—

Gene Tinker said that we have not made a decision on how we would operate general permits, so watershed permits may or may not be in our future.

Donna Buell encouraged the Department to adopt the watershed based permits.

It was agreed by the Commission and the Department to hold hearings at each quadrant of the state.

Motion was made by Terry Townsend to approve the proposed rules as presented. Seconded by Lisa Davis Cook. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION - AMENDMENTS TO CHAPTER 65 – DEFINITIONS, CONSTRUCTION PERMIT REQUIREMENTS, MASTER MATRIX AND GROUNDWATER DETERMINATION

Gene Tinker, Animal Feeding Operations Coordinator of the Environmental Services Division presented the following item.

The proposed rules will update terminology and provide clarity in 567 Iowa Administrative Code Chapter 65. Definitions in the chapter are updated. Clarity for determination of need for a construction permit is added – 65.7(1)"b" and designation of when a construction permit will

expire if construction hasn't been completed – 65.7(5). In addition, language is added to 65.9(1) and 65.10(3)"b" to clarify use of the Master Matrix to more closely follow IAC 459.304. Finally, 65.15(7)"c" is modified to more clearly describe accurate determination of the groundwater table.

Gene Tinker said that he will need to delete, rather than amend the first definition under Item 1: "Confinement feeding operation".

Motion was made by Terry Townsend to approve the item as amended. Seconded by Lisa Davis Cook. Motion carried unanimously.

APPROVED AS AMENDED

2004 ENVIRONMENTAL MONITORING AND LABORATORY SERVICES AGREEMENT WITH THE UNIVERSITY OF IOWA – WATER QUALITY

Chuck Corell, Water Quality Bureau Chief presented the following item.

Commission approval is requested for the 2004 agreement with the University of Iowa's Hygienic Laboratory (UHL) for environmental monitoring and laboratory services. The UHL agreement provides support for a variety of department activities including water monitoring, laboratory services, data management and analysis, and website development and maintenance.

The contract scope of work includes:

- Water Quality Monitoring: Influent and effluent composite samples; fish kill monitoring; emergency response; fish tissue monitoring, and storm water runoff monitoring.
- Water Supply Support: Drinking water and public water supply monitoring.
- Leaking Underground Storage Tanks: Liquid and solid samples for petroleum leaks.
- Contaminated Site Monitoring: Contaminated sites monitoring.
- Waste Management Assistance: Programming services.
- Information and Education: Web management and communication services.
- Wastewater Section Support: NPDES permitting.
- Administrative Services: Electronic Records Management System development and implementation.
- On-Site Wastewater Study: Study to determine appropriate effluent sampling techniques, sampling frequencies, and parameter testing for compliance monitoring of surface-discharging onsite wastewater treatment system technologies in Iowa.
- Water Security: Technical assistance in the identification of risks, potential security weaknesses, threats and cost-effective prioritization of security measures.

The University Hygienic Laboratory (UHL) is the State of Iowa's Environmental and Public Health Laboratory. The Department has several contracts with the laboratory to provide analytical and fields services.

ARTICLE IX - ESTIMATED AGREEMENT BUDGET

TASK	DESCRIPTION	FIXED PAYMENT AGREEMENT AMOUNT *	VARIABLE PAYMENT AGREEMENT ESTIMATE **
9.1	Water Quality Monitoring (Article 3.1)		
	Compliance Sampling Inspections (CSI)	39,936	
	Field Support Sample Analysis	50,010	
	Fish Kill Sample Analysis		2,250
	Emergency Response	11,700	
	Fish Tissue Monitoring		1,000
	Storm Water Runoff Sampling		3,750
	Subtotal	101,646	7,000
9.2	Water Supply Monitoring (Article 3.2)		
	Monitoring for Compliance		3,188
	Monitoring for Technical Assistance		2,168
	Subtotal	0	5,355
9.3	Leaking Underground Storage Tanks (Article 3.3)		15,000
	Subtotal	0	15,000
9.4	Waste Monitoring (Article 3.4)		52,500
	Subtotal	0	52,500
9.5	Waste Management Assistance (Article 3.5)	6,500	
	Program Assistant (Public Information)		31,894
	Subtotal	6,500	31,894
9.6	Information and Education		
	Applications Development and Support		43,120
	Information Specialist		31,894
	Subtotal	0	75,014
9.7	Wastewater Support		
	Environmental Specialist		37,132
	Subtotal	0	37,132
9.8	Administrative Services		30,565
	Subtotal	0	30,565
9.9	Director's Office		70,166
	Subtotal	0	70,166
9.10	On-site Wastewater Study		36,760
	Subtotal	0	36,760
9.11	Water Security		50,573
	Subtotal	0	50,573
	Contract Subtotal	108,146	411,960
	Indirect Cost (8%)	8,652	32,957
	TOTAL OF COLUMNS	116,798	444,916
	TOTAL OF BOTH COLUMNS	561,714	

Motion was made by Kathryn Murphy to approve the agreement as presented. Seconded by Terry Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

PRESENTATION – PROCESS IMPROVEMENT ACTIVITIES IN THE DEPARTMENT

Wayne Gieselman, Division Administrator of the Environmental Services gave the following PowerPoint presentation.

Kaizen: Or, How We Beat Our Own System

Meeting Resource Challenges

- Iowa State government reinventing how it conducts business to become more efficient while improving customer service

Iowa Business Council Assistance

- The Iowa Business Council offered to sponsor a business process improvement project (BPI) using Japanese inspired “kaizen” process
- First time the kaizen process was used in a government setting

BPI or Kaizen Event

- Highly focused
- Action oriented
- 2-5 day event
- Empowered team take immediate action to improve a specific process
- New process starts that same week

Why BPI at the Iowa DNR?

- Doing more with existing resources
- Support and partnership with business
 - Iowa Business Council
- Commitment to improvement

Why start with Air Construction Permits?

- When Choosing a BPI target:
 - High volume process
 - Process defined, mapped
 - Goals clearly defined, very specific
 - Core business function
- Input from Iowa Business Council
 - Many members are AQ permitted

Improving Customer Service without Sacrificing Environmental Protection

- Improved efficiency

- Better customer service
- Immediate change in process
- Measurable decrease in time and steps

Focus On...

- Eliminating valueless time and steps
- Breaking barriers
- Eliminating roadblocks
- Eliminating variability
- Typically yields a 20-50% improvement

Does not...

- Affect regulatory stringency
- Force hasty, inadequate permit review
- Cut corners
- Work against out agency mission
- Seek to fault staff

AQ Objective Included

- Removing unnecessary steps
- Eliminating a backlog of 600 permits
- Reducing the need to obtain additional information from applicants
- Streamlining the permit application
- Reducing time for application processing and permit issuance

Week of June 23-27, 2003

- 20 participants include
 - DNR staff and customers
 - Consultant was Stephen Smith of North Carolina-based TBM Consulting

Know Thyself

- Developed process flow maps
- Team analyzed flow through every step

Time Clocking All the Steps

- Mail processing
- Permit routing
- Completeness reviews
- Senior engineer reviews
- Discussions with clients
- Final approvals and outgoing mail

Eureka Moments

- About one day of actual work content needed to issues a typical permit
- Yet, turnaround time was 45-80 days

Identifying Culprits

- Delays due to:
 - Permit backlog
 - Idle time waiting for info from clients
 - Internal routing

The Mission

- Push the turnaround time closer to actual work time
- Eliminate unproductive, idle time

By Week's End

- Implemented new permitting process
 - Simplified workflow
 - Eliminated non-value steps
 - Reduced permit issuance time

SWAT Team

- Special team created to focus solely on backlogged permits

Welcome call

- Expedite information requests, gives certainty on issuance dates
- Facility on notice that application under a review and is a priority

New Process

- Decreased permit issue time 87%
 - 62 days to 6 working days
- Cut steps by 70%
- Cut handoffs (permit moving from person to person) from 18 to 4
- 83% issued within 2 weeks

Worth Remembering...

- Amount of time engineers actively spend reviewing permit is unchanged
- All permits receive same scrutiny and attention as they did prior to the event
- Focus was eliminating unproductive and idle time
- Changing expectations for staff and clients

More result details at www.iowacleanair.com

Second Event – Wastewater SRF

- Focus on wastewater permitting
- Clean Water State Revolving Fund (SRF)
- Maintained by DNR and Iowa Finance Authority to provide low interest loans to cities for wastewater treatment
- Funding and support for event from the Public Strategies Group

Results – SRF

- Cut submittal to approval time from 28 months to 4.5 months
- Issue construction permits within 30 days after receiving final plans
- Cut handoffs from 43 to 19
- Reduced the review steps by nearly 50%
- Planned one year to eliminate backlog, ahead of schedule

Third Event – Landfill Permitting

- Reduced permitting time from 187 days to 30 days
- Eliminated backlog – 12 day average wait time
- Reduced work list to single digit
- Completed customer training on new process

Fourth Event – State Historic Preservation Office Review

- Review for wastewater facility construction
- Reduced total steps by 48%
- Reduced number of delays by 73%
- Reduced handoffs by 62%
- Improved database tracking, developed new program manual

Fifth Event – Leaking Underground Storage Tanks

- Reduce corrective action decision time to 90 days, implementation to 180 days
- Attain a 90% first time acceptance of Corrective Action Design Reports
- Achieve 100 high risk sites with approved corrective action plans
- Reallocate cleanup resources by 50% by 2009

Future Plans

- Hiring internal kaizen coordinator
- Re-assigned another staff person to be kaizen promotion officer
- Identified 6 events for next fiscal year
- Allows Department to Focus More on mission critical work

Future Events FY'05

- Sept. 2004 – National Pollution Discharge Elimination System (NPDES)
- Oct. 2004 – Air Quality complex (PSD) construction permits
- Nov. 2004 – Sovereign land construction permits
- Jan. 2005 – Manure Management Plans (MMPs)
- Mar. 2005 – Grants Management (department-wide)
- May 2005 – Land Acquisition

DNR taking lead with executive branch agencies in the state and throughout the nation.

INFORMATIONAL ONLY

CONTRACT WITH TBM CONSULTING GROUP FOR KAIZEN PROCESS IMPROVEMENT EVENT

Wayne Gieselman, Division Administrator of the Environmental Services presented the following item.

The Department requests Commission approval of a contract in the amount of \$25,000 with TBM Consulting Group, Inc. for an NPDES kaizen process improvement event including follow-up support.

This contract builds upon existing efforts by the Iowa Department of Natural Resources to improve our processes. The two business process improvement events the DNR conducted in June 2003 and March 2004, resulted in overall improvements of 81% in issuance of Air Quality Operating Permits and 85% in issuance of Clean Water SRF Permits, eliminated the air permit backlog by January 2004, and will eliminate the SRF backlog no later than April 2005. TBM Consulting Group will provide professional consulting services necessary for the development and implementation of the business process improvement event, including assistance with:

- Pre-work – pre-data (e.g., customer surveys, data mining, process flow map) and quality issues;
- Kaizen event consultation;
- Follow-up – backlog, metrics and supervision, other operating issues.

The NPDES Process Improvement Event will bring together permit writers and field office inspectors from the Department, business leaders, city managers, and stakeholders. The success of the process improvement event is dependent upon bringing together cross-functional teams who are empowered to make decisions and immediate changes. Objectives of the project include:

1. Reduced processing time,
2. Greater efficiency in operations by elimination of waste, bottlenecks and variability,
3. Better environmental protection, allowing more staff resources to be focused on complex permits or mission-critical work,
4. Better communication and coordination with the regulated community, and
5. More timely response to changing industry production methods.

<i>Motion was made by Lori Glanzman to approve the item as presented. Seconded by Terry Townsend. Motion carried unanimously.</i>

APPROVED AS PRESENTED

CONTRACT FOR GEOLOGIC DRILLING WITH AQUADRILL, INC.

Stephanie Surine, of Iowa Geological Survey presented the following item.

The Department requests Commission approval of a \$29,500 drilling contract with Aquadrill, Inc. of Coralville, IA to conduct geologic coring for the STATEMAP Geologic Mapping Program. Aquadrill, Inc. was one of two bidders on the project and submitted the low bid.

Aquadrill, Inc has contracted drilling services for the Iowa Geological Survey (IGS) for the past five years. They have a long history of providing quality drilling services for surficial and bedrock drilling and have always met or exceeded contractual obligations in past contracts. Drilling for FY05 STATEMAP projects includes surficial drilling in Clay, Palo Alto, Scott and Winneshiek counties.

Funding for this contract is available from the IGS general fund and the United States Geological Survey (USGS) as part of the 50% match for STATEMAP contracts.

Motion was made by Lisa Davis Cook to approve the contract as presented. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

FISCAL YEAR 2006 BUDGET REQUEST

Jeff Vonk, Director of the Iowa Department of Natural Resources presented the following item.

Commission's approval is requested for the summary document listing the Department's appropriation requests for Fiscal Year (FY) 2006. As has been our practice, the chart compares the actual FY 05 appropriation levels with the FY 06 proposed appropriation request. As you will note, there is little difference between the two. The Department will submit a "status quo" budget for FY 06 to comply with the statutory deadline of October 1, 2004; however, we will be given an opportunity to seek additional appropriated funds.

In a parallel process termed "Purchasing Results," the Governor and the Lt. Governor have asked Executive Branch departments and agencies to go through a very different budget exercise this year. The process does not follow the traditional method of beginning with a base budget and adding and subtracting. Instead, it begins with the results Iowans want from their state government. Departments are to develop "offers" for achieving results within the resources that will be allocated. Each offer will respond to one or more of the six Leadership Agenda goals:

- Transforming Iowa's Economy
- Improving Student Achievement
- Improving Iowans' Health
- Improving Community Safety

- Improving the Quality of Iowa's Natural Resources
- Improving Government Performance and Accountability

All offers responding to a given result will be evaluated against one another and will compete for the dollars allocated to that result.

**DEPARTMENT OF NATURAL RESOURCES
FY 06 APPROPRIATION SUMMARY**

APPROPRIATION NAME	FY05 APPROP	FY06 REQUEST	\$CHANGE FY05 APPROP OVER FY06 REQUEST
<u>GENERAL FUND APPROPRIATIONS</u>			
Department Operations*	\$16,929,077	\$16,929,077	\$0
Total General Fund Appropriation	\$16,929,077	\$16,929,077	\$0
<u>TOBACCO SETTLEMENT FUNDS</u>			
Lewis and Clark Rural Water **	\$2,450,000	\$2,500,000	\$50,000
Total Tobacco Settlement Appropriation	\$2,450,000	\$2,500,000	\$50,000
<u>INFRASTRUCTURE</u>			
Destination Park	\$500,000	\$500,000	\$0
Total Infrastructure Appropriation	\$500,000	\$500,000	\$0
<u>ENVIRONMENT FIRST</u>			
Resource Enhancement and Protection	\$11,000,000	\$11,000,000	\$0
Marine Fuel Tax Capitals	\$2,300,000	\$2,300,000	\$0
Lake Restoration Program	\$1,000,000	\$1,000,000	\$0
Water Quality Monitoring	\$2,955,000	\$2,955,000	\$0
GIS Data for Watershed Managers	\$195,000	\$195,000	\$0
Keepers of the Land Volunteer Program	\$100,000	\$100,000	\$0
Park Operations & Maintenance	\$2,000,000	\$2,000,000	\$0
Air Quality Monitoring	\$500,000	\$500,000	\$0
Water Supply Appropriation	\$500,000	\$500,000	\$0
Total Environment First Appropriation	\$20,550,000	\$20,550,000	\$0
<u>NON-GENERAL FUND APPROPRIATIONS</u>			
Fish and Wildlife Operations	\$31,220,766	\$31,220,766	\$0
Groundwater Fund	\$11,994,000	\$11,994,000	\$0
UST Administration Match	\$200,000	\$200,000	\$0
Snowmobile Transfer to Fish & Wildlife	\$100,000	\$100,000	\$0
Boat Registration Transfer to Fish & Wildlife	\$1,400,000	\$1,400,000	\$0
Total Non General Fund Appropriations	\$44,914,766	\$44,914,766	\$0

TOTAL	\$85,343,843	\$85,393,843	\$50,000
TOTAL DEPARTMENTAL FTE	1105.46	1105.46	0.00

* Includes \$359,795 estimated fy 05 appropriation transfer from Department of Administrative Services for central service charges.

** FY 06 appropriated during fy 02 Legislative Session
revised 8/31/04

Motion was made by Donna Buell to approve the budget request as presented. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED CONTESTED CASE DECISION – MILES McDUGALL

Kelli B. Book, Acting Chief of the Legal Services Bureau presented the following item.

On March 26, 2004, the department issued Administrative Order No. 2004-AFO-22 to Miles McDougall. The order was issued because of Mr. McDougall's failure to timely submit a manure management plan to the department. The order required Mr. McDougall to pay a penalty of \$1,500.00. That action was appealed by Mr. McDougall, and the matter proceeded to an administrative hearing on August 23, 2004. The Administrative Law Judge issued a Proposed Decision on September 1, 2004. The decision affirms the order with full penalty.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

NO ACTION TAKEN

PROPOSED CONTESTED CASE DECISION – JEFF SALSURY

Kelli B. Book, Acting Chief of the Legal Services Bureau presented the following item.

On April 7, 2004, the department issued Administrative Order No. 2004-AFO-16 to Jeff Salsbury. The order was issued because of Mr. Salsbury's failure to timely submit a manure management plan to the department. The order required Mr. Salsbury to pay a penalty of \$1,500.00. That action was appealed by Mr. Salsbury, and the matter proceeded to an administrative hearing on August 9, 2004. The Administrative Law Judge issued a Proposed Decision on August 27, 2004. The decision affirms the order with full penalty.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

NO ACTION TAKEN

REFERRALS TO THE ATTORNEY GENERAL

Kelli B. Book, Acting Chief of the Legal Services Bureau presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of the matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c),

- a) Marsha Leigh and the Universal Assembly of Christians Church, Inc. (Glenwood – Mills County) – Department seeks collection of an administrative penalty of \$10,000 plus interest at 1.5% per month; additional civil penalties; and injunctive relief requiring compliance with wastewater, solid waste and air quality requirements.
- b) Cash Brewer (Cherokee – Cherokee County) – Department seeks collection of an administrative penalty of \$10,000 plus interest at 1.5% per month from August 27, 2004 and injunctive relief requiring compliance with animal feeding operation and solid waste requirements.
- c) Holstein Dairy (Holstein – Ida County) – Department seeks collection of an administrative penalty of \$1,500 plus interest at 1.5% per month since May 19, 2004 - animal feeding operation.
- d) Emer Carlson (Fairfield – Jefferson County) – Department seeks collection of the administrative penalty of \$6,500, plus interest at 1.5% per month since April 8, 2004 - air quality issues.
- e) Wilber McNear d/b/a McNear Oil Company (Onawa – Monona County) – Department is seeking referral to Attorney General's office for enforcement of the penalty provisions of an administrative order issued against Wilbur McNear, dba McNear Oil Company. Mr. McNear failed to submit a timely appeal and the other is final agency action. The order required him to correct several violations of the underground storage tank (UST) operation and maintenance rules and assessed a penalty of \$5,930.

Mr. McNear has substantially complied with the non-penalty terms of the order but has failed to pay or settle the penalty terms of the order.

Motion was made by Terry Townsend to refer items a – e to the Attorney General. Seconded by Lisa Davis Cook. Motion carried unanimously.

REFERRED

MONTHLY REPORTS

Wayne Gieselman, Division Administrator, Environmental Protection Division, presented the following items.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

Rulemaking Status Report

Proposal	Notice to Commission	Notice Published	Arc #	Rules Review Committee	Hearing	Comment Period	Final Summary to Commission	Rules Adopted	Rules Published	Arc #	Rules Review Committee	Rule Effective
1. Ch. 20, 22 – PSD – Definitions	11/17/03	2/04/04	3155B	3/08/04	4/01,02/04	4/09/04	TERMINATION 8/16/04	8/16/04	*9/15/04		*10/05/04	*10/20/04
2. Ch. 20, 32 – Health Value Effects (HEV)	12/15/03	1/07/04	3092B	2/09/04	2/17, 23, 25; 3/04, 11/04	4/08/04	7/19/04	7/19/04	8/18/04	3588B	9/14/04	9/22/04
3. Ch. 22, 23, 25 – AQ Program Updates, Revisions and Additions	6/21/04	7/21/04	3515B	8/10/04	8/23/04	8/23/04	*10/18/04	*10/18/04	*11/10/04		*12/07/04	*12/15/04
4. Ch. 60, 63, 64 & 65 – CAFO Regulations	9/20/04	*10/13/04		*11/02/04	*11/05/04	*11/05/04	*12/20/04	*12/20/04	*1/19/05		*2/07/05	*2/23/05
5. Ch. 61 – Water Quality Standards – Coldwater Streams	3/15/04	4/14/04	3282B	5/11/04	5/04-14/04	5/28/04	*10/18/04	*10/18/04	*11/10/04		*12/07/04	*12/15/04
6. Ch. 65 – Definitions,												

Construction Permit Requirements, Master Matrix, Groundwater Determination	9/20/04	*10/13/04		*11/02/04	*11/08/04	*11/08/04	*12/20/04	*12/20/04	*1/19/05		*2/07/05	*2/23/05
7. Ch. 105 – Organic Materials Composting Facilities	5/17/04	6/09/04	3408B	7/08/04	7/14/04	7/14/04	8/16/04	8/16/04	*9/15/04		*10/05/04	*10/20/04
8. Ch. 118 – Discarded Appliance Manufacturing	4/19/04	5/12/04	3359B	6/07/04	6/02/04	6/02/04	7/19/04	7/19/04	8/18/04	3589B	9/14/04	9/22/04
9. Ch. 120, 121 – Landfarming Petroleum Contaminated Soils	5/17/04	6/09/04	3397B	7/08/04	7/21/04	7/21/04	8/16/04	8/16/04	*9/15/04		*10/05/04	*10/20/04
10. Ch. 122 – Electronics Recycling	4/19/04	5/12/04	3358B	6/07/04	6/01/04	6/01/04	7/19/04	7/19/04	8/18/04	3587B	9/14/04	9/22/04
11. Ch. 215 – Waste Tire Management County Grant Program; Ch. 216 – Regent's Tire-Derived Fuel Program; Ch. 217 – Waste Tire End-User Incentive Program	5/17/04	6/09/04	3409B	7/08/04	6/29/04	6/29/04	7/19/04	7/19/04	8/18/04	3590B	9/14/04	9/22/04

Iowa Department of Natural Resources
Environmental Services Division
Report of Hazardous Conditions

During the period August 1, 2004, through August 31, 2004, 51 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Agri-chemical	Substance			Mode				
			Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other*
October	73 (55)	11 (4)	45 (40)	17 (11)	21 (18)	41 (32)	2 (1)	1 (2)	3 (0)	5 (2)
November	70 (58)	9 (13)	42 (30)	19 (15)	20 (19)	39 (36)	1 (0)	1 (0)	1 (1)	8 (2)
December	51 (41)	10 (2)	29 (28)	12 (11)	21 (12)	27 (25)	0 (1)	0 (2)	1 (0)	2 (1)
January	44 (41)	7 (6)	25 (17)	12 (18)	9 (12)	32 (25)	2 (1)	0 (2)	1 (0)	0 (1)
February	41 (39)	5 (1)	20 (29)	16 (9)	13 (11)	24 (18)	1 (1)	1 (6)	0 (0)	2 (3)
March	71 (39)	9 (5)	38 (23)	24 (11)	21 (8)	47 (25)	0 (1)	1 (2)	0 (0)	2 (3)
April	99 (79)	44 (30)	42 (34)	13 (15)	30 (23)	63 (45)	0 (1)	3 (1)	0 (2)	3 (7)

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May	64 (79)	17 (25)	39 (43)	8 (11)	17 (29)	39 (40)	1 (1)	2 (1)	0 (1)	5 (7)
June	77 (76)	18 (13)	43 (49)	16 (14)	26 (35)	42 (28)	1 (0)	0 (2)	1 (2)	7 (9)
July	71 (65)	19 (10)	39 (39)	12 (16)	11 (11)	53 (43)	0 (3)	0 (2)	4 (0)	3 (6)
August	51 (86)	11 (15)	31 (48)	9 (23)	15 (20)	29 (48)	3 (6)	2 (2)	0 (0)	2 (10)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	712 (658)	160 (124)	393 (380)	158 (154)	204 (198)	436 (365)	11 (16)	11 (22)	11 (6)	39 (51)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Month.

*Other includes dumping, theft, vandalism and unknown

1	2	3	4	5	6
1	5	10	8	19	8

Iowa Department of Natural Resources Environmental Services Division Report of Manure Releases

During the period August 1, 2004, through August 31, 2004, 1 report of manure releases was forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents Impacts	Feedlot Application	Confinement Water	Land	Transport	Hog	Cattle	Fowl	Other	Surface
October	8 (10)	0 (0)	2 (5)	2 (1)	2 (4)	6 (9)	0 (1)	0 (0)	0 (0)	0 (1)
November	5 (12)	0 (0)	2 (4)	2 (3)	1 (5)	5 (12)	0 (0)	0 (0)	0 (0)	0 (0)
December	4 (5)	0 (0)	2 (1)	0 (0)	2 (3)	3 (3)	0 (0)	1 (1)	0 (0)	1 (0)
January	1 (3)	0 (0)	1 (2)	0 (0)	0 (0)	1 (2)	0 (0)	0 (0)	0 (0)	0 (1)
February	1 (1)	0 (0)	0 (1)	1 (0)	0 (0)	1 (1)	0 (0)	0 (0)	0 (0)	0 (1)
March	5 (1)	1 (0)	0 (1)	0 (0)	3 (0)	4 (1)	0 (0)	0 (0)	0 (0)	1 (0)
April	10 (3)	0 (0)	4 (2)	4 (0)	2 (0)	7 (1)	3 (1)	0 (0)	0 (0)	5 (0)
May	2 (7)	0 (0)	1 (5)	0 (1)	1 (1)	2 (7)	0 (0)	0 (0)	0 (0)	0 (1)
June	2 (4)	0 (0)	1 (3)	0 (0)	1 (1)	2 (3)	0 (0)	0 (1)	0 (0)	1 (1)
July	2 (3)	0 (0)	2 (2)	0 (0)	0 (1)	1 (3)	1 (0)	0 (0)	0 (0)	2 (0)
August	1 (4)	0 (0)	0 (3)	0 (0)	1 (1)	0 (4)	0 (0)	0 (0)	1 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	41 (53)	1 (0)	15 (29)	9 (5)	0 (0)	32 (46)	4 (2)	1 (2)	1 (0)	10 (5)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Month

1	2	3	4	5	6
0	0	1	0	0	0

DATE: September 1, 2004

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TO: EPC

FROM: Mike Murphy

RE: Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program		Alleged Violation	Action	Date
Owasa Tap, Iowa Falls (2)	Drinking Water		Monitoring/Reporting – Bacteria, Nitrate; Public Notice	Consent Amendment \$500	8/11/04
Galen Haack, Hospers (3)	Air Quality		Open Burning	Consent Amendment \$750	8/11/04
Richard Beelner (Beelner 1) Plymouth Co. (3)	Animal Operation	Feeding	Failure to Submit Plan	Order/Penalty \$3,000	8/11/04
Richard Beelner (Beelner 2) Plymouth Co. (3)	Animal Operation	Feeding	Failure to Submit Plan	Order/Penalty \$3,000	8/11/04
T & T Corner Bar, McIntire (2)	Drinking Water		Operation Without Permit	Order/Penalty \$3,000	8/11/04
Rock N Row Adventures, Eldora (2)	Drinking Water		Operation Without Permit	Order/Penalty \$3,000	8/11/04
ISU Heating Plant, Ames (5)	Wastewater		Monitoring/Reporting – Discharge Limits	Order/Penalty \$1,500	8/11/04
Mount Auburn, City of (1)	Wastewater		Compliance Schedule	Order	8/11/04
Walter's Investments International d/b/a Walters Homes Ltd.; David Walters, Warren Co. (5)	Wastewater		Stormwater – Pollution Prevention Plan Violations	Order/Penalty \$10,000	8/11/04
Tschiggfrie Excavating Co., Dubuque (1)	Wastewater		Stormwater – Operation Without Permit	Order/Penalty \$8,000	8/11/04
Norm Cleveringa, Lyon Co. (3)	Animal Operation	Feeding	Failure to Submit Plan	Order/Penalty \$750	8/11/04
Sebergan Pigs, Inc., Lee Co. (6)	Animal Operation	Feeding	Freeboard	Order/Penalty \$2,000	8/11/04
JK Farms, Inc., Plymouth Co. (3)	Animal Operation	Feeding	Failure to Submit Plan	Order/Penalty \$3,000	8/11/04
St. John's Lutheran Church, Homestead (6)	Drinking Water		Permit Renewal Fees	Order/Penalty \$500	8/11/04
Hickory Hills Second Annex, Bettendorf (6)	Drinking Water		Permit Renewal Fees	Order/Penalty \$500	8/11/04
Fritz Dirksen, Plymouth Co. (3)	Animal Operation	Feeding	Failure to Submit Plan	Order/Penalty \$3,000	8/20/04
Joe Wenger; Wenger Constr., Washington Co. (6)	Air Quality		Open Burning	Consent Amendment \$500 SEP	8/20/04
Holly A. Brown Constr. Co., Anthon (3)	Air Quality Solid Waste		Open Burning; Illegal Disposal	Consent Amendment \$1,700	8/20/04
Jason Fox, Audubon Co. (3)	Animal Operation	Feeding	Prohibited Discharge – Confinement	Order/Penalty \$1,000	8/20/04
Buffalo Creek Country Club, Winthrop (1)	Drinking Water		MCL – Bacteria; Public Notice	Order	8/20/04
Country Fresh Eggs; Iowa Ag Excavating Co. Wright Co. (2)	Wastewater		Stormwater - Pollution Prevention Plan Violations	Consent Order \$1,500 SEP	8/27/04

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Environ Egg Production; Iowa Ag Excavating, Wright Co. (2)	Wastewater	Stormwater – Pollution Prevention Plan Violations	Consent Order \$5,000 SEP	8/27/04
Linwood Mining & Minerals, Davenport (6)	Air Quality	Monitoring/Reporting	Consent Amendment \$10,000 SEP	8/27/04
Charles Loutsch, Plymouth Co. (3)	Animal Operation	Feeding Failure to Submit Plan	Order/Penalty \$3,000	8/27/04
Fairwinds Corp. d/b/a Envirobate Mgmt. Services, Urbandale (5)	Air Quality	Asbestos	Order/Penalty \$10,000	8/27/04

IOWA DEPARTMENT OF NATURAL RESOURCES COMPLIANCE AND ENFORCEMENT BUREAU

DATE: September 1, 2004
TO: Environmental Protection Commission
FROM: Michael P. Murphy
SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Dorchester Supper Club (Dorchester)	WS	100	3-08-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
David and Marie Phillips (Milo)	WW	1,300	7-09-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
James Harter (Fairfield)	WW	1,800	8-01-01
Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,400	12-03-01
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/SW	1,100	3-08-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
Midway Oil Co.; David Requet (Davenport)	UT	6,430	9-20-02
Wilbur McNear d/b/a McNear Oil Co. (Onawa)	UT	5,930	12-17-02
Jeff Reed d/b/a Reed's Service (Lenox)	UT	7,250	1-12-03
Allan Scott (Marion Co.)	SW/WW	1,150	1-15-03
* Winter Mobile Home Park (New Hampton)	WS	250	2-15-03
U.S. Petro, Inc.; SSJG Petroleum; Sukhdev Singh	UT	32,690	2-28-03
Midway Oil Co.; David Requet; John Bliss	UT	44,900	2-28-03
Duane Crees (Muscatine Co.)	AQ/SW	1,160	3-01-03
Nevada, City of SEP	WW	3,000	3-14-03
Affordable Asbestos Removal, Inc.; Jeffery Intlekofer (Ft. Madison)	AQ	3,100	3-30-03
Scooter's Tower Club (Cresco)	WS	500	4-29-03
Midway Oil Company (West Branch)	UT	7,300	5-03-03
Midway Oil Company (Davenport)	UT	5,790	5-03-03
Efren Valdez (Warren Co.)	SW	4,000	6-09-03
Mobile World LC (Clinton Co.)	SW	2,250	6-29-03
Casey's General Stores, Inc. (Various Locations)	UT	15,000	8-01-03
Casey's General Stores, Inc. (4 Locations)	UT	4,500	8-01-03
McMahon's Bar & Ballroom (Andover)	WS	500	8-08-03
Lewis Hartgers (Jasper Co.)	AQ/SW/WW	3,000	11-04-03
*#Roger Bockes, et. al. (Tama Co.)	AFO	600	12-01-03
* Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	975	12-15-03
Robert L. Nelson (Orient)	UT	2,450	12-26-03

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William Day (Iowa Co.)	SW/WW	2,000	1-02-04
#*Avery Feeder Pig Co. (Humboldt Co.)	AFO	500	3-15-04
Mark Anderson (Des Moines Co.)	AQ/SW	10,000	3-22-04
# Trent Ellis (Calhoun Co.)	AQ/SW/AFO	3,000	3-23-04
Mike Phillips aka Jeff Phillips (Cambridge)	AQ	5,000	3-27-04
# James Hoogland (Sioux Co.)	AFO	2,000	4-11-04
# Kollasch Land & Livestock (Palo Alto Co.)	AFO	750	4-23-04
William Hennessey (Linn Co.)	SW	2,000	5-07-04
Interchange Service Co., Inc., et.al. (Onawa)	WW	6,000	5-07-04
Owasa Tap (Iowa Falls)	WS	500	5-15-04
# Holstein Dairy LLC (Ida Co.)	AFO	1,500	5-19-04
John Danker (Lee Co.)	AQ/SW	10,000	5-22-04
R. Victor Hanks; Mobile World L.C. (Camanche)	WW	10,000	5-23-04
Gingerich Well & Pump; Corwin Gingerich; Klint Gingerich	WS	3,800	5-25-04
# Matt Hoffman (Plymouth Co.)	AFO	750	5-27-04
Mobile World LC (Camanche)	AQ/SW	10,000	5-30-04
#*Floyd Kroeze (Butler Co.)	AFO	1,500	6-01-04
Emer Carlson (Fairfield)	AQ	6,500	6-01-04
Iowa Falls Evangelical Free Church (Iowa Falls)	WS	750	6-13-04
* John and Bernice Danner (Lucas Co.)	WW	550	6-15-04
Mitchell Town Pump (Mitchell)	WS	5,000	6-15-04
# Kay Finsher; Todd Kay (Buena Vista Co.)	AFO	750	6-16-04
Roger Ginger d/b/a L & L Standard (Everly)	UT	5,750	6-22-04
Pat Kelly d/b/a Kelly Construction (Denison)	UT	1,860	6-22-04
# Dunphy Poultry (Union Co.)	AFO	1,500	6-27-04
* Julie Oden; Centerville Cleaners (Centerville)	AQ	600	7-30-04
#*Van Veldhuizen Dairy (Sioux Co.)	AFO	1,250	7-01-04
Midway Water & Lighting Co., Inc. (Marion)	WS	5,000	7-02-04
# Steve Grettenberg (Webster Co.)	AFO	1,000	7-09-04
Shane Preder (Ft. Madison)	AQ	1,000	7-12-04
#*Van Middendorp Dairy (Sioux Co.)	AFO	250	7-15-03
John Derner (Milford)	AQ	1,000	7-27-04
* Russell Barkema; K.R. Construction (Wright Co.)	AQ/SW	3,000	7-30-04
* Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	3,750	8-01-04
Fran Oil Company (Council Bluffs)	UT	6,896	8-01-04
* Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	3,750	8-01-04
#*James Boller (Kalona)	AFO	4,750	11-30-03
Ranch Supper Club (Swisher)	WS	2,500	8-02-04
Ossian Agri Center, Inc. (Ossian)	WW/HC	2,000	8-02-04
Mr. Z's Café (Ionia)	WS	2,000	8-02-04
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000	8-03-04
Cobb Oil Co.; Messer Oil Co. (Lone Tree)	UT	250	8-03-04
Frederick Kinzenbaw, Jr.; Max Leonard (Iowa Co.)	WW/SW	2,000	8-06-04
# Robert Renze (Sac Co.)	AFO	3,000	8-06-04
Bronson, City of	WS	3,000	8-08-04
# Alan Friedman (Carroll Co.)	AFO	3,000	8-09-04
#*James Boller (Kalona)	AFO	4,750	8-17-04
# Travis Aldag (Ida Co.)	AFO	3,000	8-17-04
Allsteel, Inc. (Muscatine) SEP	AQ	5,000	8-19-04
Chad Oltmanns (Plymouth Co.)	SW	3,000	8-20-04
DeBruce Grain, Inc. (Fremont Co.)	WW/HC	3,000	8-21-04
* Dennis Bandstra d/b/a Big Dutch (Sioux Center)	AQ/SW	150	9-23-04
# Cash Brewer (Cherokee Co.)	AFO/SW	10,000	8-25-04
# Verlyn & LeAnn VanRegenmorter (Sioux Co.)	AFO	2,610	8-25-04
# Dennis VanDerWeide (Sioux Co.)	AFO	3,000	9-01-04

Dean McCoy (Lanesboro)	AQ/SW	2,000	9-01-04
# Kenneth Sandstrom; M & K Management (Webster Co.)	AFO	3,000	9-05-04
The Filling Station (Glenwood)	WS	1,500	9-06-04
Spillway Supper Club (Harpers Ferry)	WS	1,500	9-06-04
# C J Acres; Carl Schelling (Sioux Co.)	AFO	3,000	9-11-04
David Niklasen (Shelby Co.)	SW	2,900	9-11-04
Galen Haack (Hospers)	AQ	750	9-11-04
#*Daniel E. Wilson (Poweshiek Co.)	AFO	5,000	9-12-04
* Dennis Gailey (Moorland)	AQ/SW	7,600	9-18-04
* Gary Lund; Lund Construction (Wright Co.)	AQ/SW	1,000	9-20-04
Holly A. Brown Construction Co. (Anthon)	AQ/SW	1,700	9-20-04
Grosch Irrigation Company (Rockwell City)	WW	2,000	9-20-04
Linwood Mining & Minerals Co. (Davenport) SEP	AQ	10,000	9-27-04
# Doorenbos Poultry; Scott Doorenbos (Sioux Co.)	AFO	1,500	10-09-04
Don W. Christensen (Estherville)	AQ	1,000	10-01-04
Art Vander Waal (Orange City)	AQ	1,000	10-02-04
# Marvin Maassen; Maassen & Sons (Sioux Co.)	AFO	1,500	10-01-04
# Dave Borchers (Plymouth Co.)	AFO	1,500	10-01-04
# David Kass (Plymouth Co.)	AFO	3,000	10-02-04
# Richard Beelner; Beelner 1 (Plymouth Co.)	AFO	3,000	10-19-04
# Richard Beelner; Beelner 2 (Plymouth Co.)	AFO	3,000	10-19-04
T & T Corner Bar (McIntire)	WS	3,000	10-26-04
Rock N Row Adventures (Eldora)	WS	3,000	10-23-04
Iowa State University Heating Plant (Ames)	WW	1,500	10-18-04
Tschiggfrie Excavating Co. (Dubuque)	WW	8,000	10-19-04
# Sebergan Pigs, Inc. (Lee Co.)	AFO	2,000	10-19-04
# JK farms, Inc. (Plymouth Co.)	AFO	3,000	10-19-04
St. John's Lutheran Church (Homestead)	WS	500	10-20-04
Hickory Hills Second Annex (Bettendorf)	WS	500	10-19-04
Walter's Investments; David Walters (Warren Co.)	WW	10,000	-----
# Norm Cleveringa (Lyon Co.)	AFO	750	-----
# Fritz Dirksen (Plymouth Co.)	AFO	3,000	-----
# Jason Fox (Audubon Co.)	AFO	1,000	-----
Environ. Egg Production; Iowa Ag Excavating (Wright Co.)	WW	5,000	-----
Country Fresh Eggs; Iowa Ag Excavating (Wright Co.) SEP	WW	1,500	-----
# Charles Loutsch (Plymouth Co.)	AFO	3,000	-----
Fairwinds Corp.; Envirobate Mgmt. (Urbandale)	AQ	10,000	-----
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	-----
SSJG Petroleum, Inc. (Muscatine)	UT	10,000	-----
James L. Heal d/b/a A-1 Domestic (Homestead)	SW/WW	1,800	-----
Elery Fry; Allen Fry; Mel Fry; Ron Fry (Moravia)	SW	10,000	-----
Kountry School LLC (Elkader)	WS	1,500	-----
Bill Schrock (Stockport)	SW/WW	2,000	-----
# P & W Egg Company, LC (Cass Co.)	AFO	3,000	-----
# David Meyer (Cedar Co.)	AFO	1,500	-----
Tyson Fresh Meats, Inc. (Storm Lake) SEP	WW	6,000	-----
TOTAL		524,386	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96

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Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000	
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
Dennis Seversson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Richard Davis (Monroe Co.)	AQ	8,000	6-25-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	3,200	8-18-02
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000	5-27-02
Jerry Chatfield; North Iowa Truck and Tractor (Floyd)	SW/WW	3,000	8-18-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
Oran Pub & Grill (Fairbank)	WS	100	6-03-02
# John C. Kelso (Worth Co.)	AFO	1,500	7-29-02
M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	7,000	11-01-02
M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	7,000	11-01-02
Van Meter Development Corp.; Whispering Pines (Van Meter)	WW	2,000	12-01-02
Harry F. Trafton; Trafton Enterprises; Interstate Lounge	UT	6,800	1-13-03
John Jolin; Michael Kolbold (Sioux City)	UT	5,760	6-23-02
Dave Paplow (Indianola)	AQ/SW	5,000	7-05-02
Meadow Mist Motel (Fayette Co.)	WS	500	8-12-02
Park View Motel (Oelwein)	WS	750	9-06-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
Mike Messerschmidt (Martinsburg)	AQ/SW	500	
# Carl Simon (Dubuque Co.)	AFO	5,000	1-17-03
Plantation Village Mobile Home Park (Burlington)	WS	500	6-06-03
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
Honey Creek Campground (Crescent)	WS	1,000	4-30-02
Albert Miller (Kalona)	AQ/SW	10,000	9-26-03
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
TOTAL		229,889	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Dallas County Care Facility (Adel)	WW	2,500
Richard Sprague (Tripoli)	AQ/SW	5,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Dan Witt (Clinton Co.)	AFO	3,000
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
LeMars, City of	WW	10,000

Dallas County Care Facility (Adel)	WW	5,000
Keith Stoterau; Hopp Construction Co. (Shelby Co.)	WW	2,500
Robert Ward (Lee Co.)	WW	1,450
Partners Four Investments, Inc. (Marble Rock)	UT	5,280
William Habhab (Fort Dodge)	SW	1,500
James Wilson; Retha Wilson; William Wilson (Shenandoah)	UT	4,740
Wellington Environmental (Iowa City)	AQ	1,000
Kevin Wallerich (Keota)	SW/WW	500
# Doug Wedemeyer (Adair Co.)	AFO	2,500
Mt. Pleasant, City of	WW	500
Lehigh Portland Cement Co. (Mason City)	WS	300
Richard and Charlotte Caves (Oskaloosa)	HC	10,000
Clifton Clark (Moorhead)	AQ/SW	1,500
# Kenneth Dahlhauser (Whittemore)	AFO	2,500
Peter Cook (Grand Mound)	AQ/SW	5,000
Stanley Siems (Hardin Co.)	AQ/SW	7,500
Schell Family Partnership (Boone Co.)	HC/SW	5,000
River City Development; Russell Hardy (Mason City)	UT	2,480
Chelsea, City of	WW	3,000
# Glen Samuelson (Adams Co.)	AFO	1,000
# Merrell Butler (Adams Co.)	AFO	1,000
# Anthony Wendler (Emmet Co.)	AFO/SW	3,000
# Doug Osweiler (South English)	AFO	5,000
# Ray Slach (Cedar Co.)	AFO	3,000
# Iowa Select Farms, LP; Swartz Finisher Farm (Hardin Co.)	AFO	500
# Natural Pork Production, II LLC (Shelby Co.)	AFO	5,000
# New London Dairy; Steve Walter dba Walter & Sons	AFO/RWA	5,000
Roger Eblen; Eblen Develop.; Duane Menke; (Whispering Woods - Council Bluffs)	WW	10,000
# Iowa Select Farms, L.P.; Kerrigan Facility (Union Co.)	AFO	1,000
# D & D Ag Enterprises, LLC (Union Co.)	AFO	2,000
Country Terrace Mobile Home Park (Ames)	WW	10,000
# Iowa Select Farms, Inc.; Clarke Sow (Clarke/Union Co.)	AFO	5,000
Brad Taylor (Pottawattamie Co.)	AQ/SW	3,500
# Poverty Acres Feedlot, Inc. (Sioux Co.)	AFO	3,500
# Southern Waste Handling, Inc. (Mr. Ayr)	AFO	7,000
Cedar Rapids, City of	WW	1,000
Country Living MHP (Altoona)	WW	5,000
Kent Kiburz (Humboldt Co.)	SW	2,500
Strawberry Point, City of	WW	10,000
Casey's Marketing Co. (Jefferson)	UT	5,224
Edward Rasch; Easter Enterprises, Inc. (Norwalk)	UT	3,000
D & S Swine L.L.C. (Humboldt Co.)	WW	1,000
B & H Food & Gas, Inc. (Davenport)	UT	10,000
U.S. Nation Mart, Inc. (Davenport)	UT	10,000
Tegh, Inc. (Bettendorf)	UT	8,500
Greenman Technologies of Iowa, Inc. (Des Moines)	SW	2,000
Harlan Clasen (Rock Rapids)	AQ/SW	10,000
# Jeff Holland (Winnebago Co.)	AFO	5,500
Boyer's Sand and Rock, Inc.; William Boyer (Hawarden)	UT	2,380
Pocahontas, City of	WW	5,000
# T. Patrick and Laurie Cashman (Deep River)	AFO	750
# Bob Kerrigan (Union Co.)	AFO	750
Carpenter Bar & Grill (Carpenter)	WS	10,000
# Swine USA; Davis Finishing Site (Clarke Co.)	AFO	750
Landfill of Des Moines, Inc. (Des Moines)	SW	7,000
Denzel Edwards (Cass Co.)	AQ/SW/HC	6,000

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# Gettler Dairy (Guthrie Co.)	AFO	5,000
Iowa Ethanol, LLC; Reilly Construction Co. (Worth Co.)	WW	10,000
American Shell Co.; James L. Peach (Fairport)	UT	6,200
Broin & Assoc., Inc.; Iowa Ethanol, LLC (Worth Co.)	WS/WW	10,000
Broin & Assoc., Inc.; Otter Creek Ethanol (Osceola Co.)	WW	10,000
Shenandoah, City of	AQ/SW	10,000
# Tim Trostel (Butler Co.)	AFO	2,000
# James Axtell (Hardin Co.)	AFO	500
Iowa Falls, City of	WW	10,000
Regional Environmental Improvement Comm. Of Iowa Co.	SW	10,000
Michael Sickles; Keri Sickles (Adair Co.)	SW	3,000
Crest Country Inn (Iowa Co.)	WW	2,000
Edwin Pagliai (Pella, Maquoketa, Keokuk)	UT	13,500
Lake Place (Clarion)	WS	500
Sunny Brae Golf & Country Club (Osage)	WS	650
LeMars, City of	WW	9,000
Ben Haven Mobile Home Park (Quasqueton)	WS	3,000
Curt Kline; Connie Kline (Dunlap)	AQ	5,575
# Miles McDougall (Plymouth Co.)	AFO	1,500
Ray Zellmer (Wiota)	AQ/SW	2,000
# Steve Grettenberg; Grettenberg Finisher (Webster Co.)	AFO	500
# Terry Nibbelink (Sioux Co.)	AFO	1,500
# Jeff Salsbery (Cedar Co.)	AFO	1,500
# Clark Partnership; Dennis & Terrence Clark (Osceola Co.)	AFO	1,500
Williams Brothers Garage (Atlantic)	AQ/SW/WW	5,000
Alton, City of	FP	5,000
Rural Iowa Solid Waste Management Assoc. (Hardin Co.)	SW	5,000
# Gary DeBoer; G & S Farms (Lyon Co.)	AFO	1,500
# Allen Hoeper (Bremer Co.)	AFO	1,500
# Hunt Brothers; Steve and Chris Hunt (O'Brien Co.)	AFO	1,500
Casey's Marketing Co. (5 locations)	UT	18,101
# Keith Haroldson (Buena Vista Co.)	AFO	750
Richard Juhl (Cass Co.)	AQ/SW	4,700
Maquoketa Shoreline Development; John Thola (Jackson Co.)	WW	10,000
Racer's Bar and Grill (Algona)	WS	1,000
# Marty McDermott (Clinton Co.)	AFO	750
Galen Engstrom (Renwick)	WW	1,000
# Jansma Cattle Co., Inc. (Lyon Co.)	AFO	10,000
# Ellsworth Bros. Manure Pumping LLC (Kossuth Co.)	AFO	500
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000
The Universal Assembly of Christians; Marsha Leigh	AQ/SW	10,000
Imperial Properties, Inc. (Des Moines)	UT	10,000
# Steve Renze (Sac Co.)	AFO	3,000
# Doug Renze (Sac Co.)	AFO	3,000
Schmidt Distributors; Shoppers Supply Co. (Ft. Dodge)	AQ	5,000
# Ellsworth Turkey; South-Side Turkey Farm (Hamilton Co.)	AFO	3,000
# Ellsworth Turkey; Sunrise Turkey Farm (Hamilton Co.)	AFO	3,000
# Ellsworth Turkey; Blue Sky Turkey Farm (Hardin Co.)	AFO	3,000
# Eischeid Farms (Carroll Co.)	AFO	3,000
# Steve Van Utrecht (Mahaska Co.)	AFO	1,500
# Randy Gergen; R & D Farms (Sioux Co.)	AFO	3,000
# John Hansen (Sioux Co.)	AFO	3,000
# B & B Sandhill Swine, Inc. (Olin)	AFO	3,000
# Darron Rusk (Clay Co.)	AFO	750
Roger Escher (Washington Co.)	SW	1,000

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# Chad Kooima (Sioux Co.)	AFO	1,500
Dr. Ed Cook (Cherokee Co.)	AQ	3,000
# Dean & Sharon Gettler (Montgomery Co.)	AFO	3,000
Environmental Solutions, Inc. (Mills Co.)	SW	10,000
Long Branch Maintenance Corp. (Dexter)	WS	2,000
# Michael Veenstra; Allan Veenstra (Mahaska Co.)	AFO	5,000
# Robin Hewer (Clinton Co.)	AFO	3,000
Marvin Bates (Iowa Co.)	AQ/SW/WW	10,000
# Ellsworth Bros. Manure Pumping LLC (Kossuth Co.)	AFO	500
Harvey Products, Inc. (Harvey)	AQ	10,000
# Harold Deckers; HPD Pork (Sioux Co.)	AFO	3,000
# Gary Wedewer (Delaware Co.)	AFO	3,750
# James VerMeer (Sioux Co.)	AFO	3,000
# Dennis Rowenhorst (Sioux Co.)	AFO	3,000
# Brad Dirksen (Plymouth Co.)	AFO	3,000
# James Schmitz (Plymouth Co.)	AFO	3,000
# Bill and Don Adam, Inc. (Jefferson Co.)	AFO	3,000
# Alan Thomann (Washington Co.)	AFO	3,000
F. J. Krob & Co. (Walker)	WW/HC	10,000
TOTAL		601,210

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
# HOIC Hauling LC; Joel Hovick (Hamilton Co.)	AFO	2,000
# Bob Klaassen (Osceola Co.)	AFO	1,500
#*Van Middendorp Dairy (Sioux Co.)	AFO	250
# Vern Buchholz (Bremer Co.)	AFO	3,000
# GarLain Farms; Gary Grimm (Fayette Co.)	AFO	1,500
* Dennis Gailey (Moorland)	AQ/SW	1,500
* Julie Oden; Centerville Cleaners (Centerville)	AQ	200
The Rose Bowl (Mason City)	WS	500
# Gary Schley (Kossuth Co.)	AFO	1,500
Feeders Grain Supply; James & Carolyn Curtis (Corning)	WW/HC	1,500
Daryl DeJong; Fred DeJong & Sons Excavating (Sioux Co.)	AQ	500
# Verlyn & LeAnn VanRegenmorter (Sioux Co.)	AFO	390
# Allan Glienke Farm (Buena Vista Co.)	AFO	750
#*Avery Feeder Pig Co. (Humboldt Co.)	AFO	250
#*Daniel E. Wilson (Poweshiek Co.)	AFO	1,000
* Gary Lund; Lund Construction (Wright Co.)	AQ/SW	1,000
* Dennis Bandstra d/b/a Big Dutch (Sioux Center)	AQ/SW	50
# Steve Link (Clayton Co.)	AFO	1,500
Al's Corner Oil Co. (Rippey)	UT	4,130
I-35 Truckstop, Inc. (Williams)	WS	2,500
# Butler Custom Pumping, Inc.; Robert Butler (Adams Co.)	AFO	2,250
Lake View, City of	WW	1,500
# Walnut Crest Acres, Limited (Iowa Co.)	AFO	1,500
# Natural Pork Production II (Shelby Co.)	AFO	10,000
TOTAL		40,770

The following SEPs were received:

Coralville, City of (SEP)	WW	3,000
Joe Wenger; Wenger Construction (Washington) SEP	AQ	500

The following penalties have been rescinded:

Iowa Coaches, Inc.; David Sherman (Dubuque)	UT	3,960
Finley Mondia (West Chester)	UT	6,430

Attorney General Referrals September 1, 2004

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
ABC Disposal Systems Hiawatha (1) UPDATED	Solid Waste	DNR Defendant	Defense	Petition Filed Hearing Ruling for State Notice of Appeal Appellant's Proof Brief Appellee's Proof Brief Supreme Court Decision (Affirming DNR)	6/26/02 10/07/02 12/26/02 1/28/03 4/25/03 6/27/03 6/16/04
BCD Corporation Council Bluffs (4)	Wastewater	Operation Permit; Prevention Violation	Without Pollution Plan	Order Referred Closed	7/22/02 8/05/04
Buhr, Lee; Meadow Mist Motel Park View Motel Oelwein (1)	Drinking Water	Monitoring/Reporting- Bacteria, Nitrate; Public Notice	Order/Penalty	Referred Motion for Judgment	3/17/03 3/17/04
Buringrud, Mark fdbba Carpenter Bar & Grill Carpenter (2)	Drinking Water	Monitoring/Reporting- Bacteria, Nitrate	Order/Penalty	Referred	9/15/03
Chatfield, Jerry d/b/a North Iowa Truck and Tractor Floyd (2)	Solid Waste Wastewater	Illegal Operation Permit	Disposal; Without	Order/Penalty Referred Petition Filed	10/21/02 3/17/04
Davis, Richard Wapello Co. (6) UPDATED	Air Quality	Asbestos	Order/Penalty	Referred Petition Filed Application for Default Order Granting Judgment on Default Motion for Contempt Contempt Hearing Date Order for Mediation Mediation Date Property Condemnation by City Pending	8/19/02 11/27/02 2/01/03 3/14/03 6/05/03 4/07/04 4/07/04 6/09/04 6/14/04

Golden, Randy S.; R. Excavating Council Bluffs (4)	Wastewater	DNR Defendant	Defense	Petition Filed Answer Oral Argument Judgment for Department	4/16/02 5/09/02 6/08/04 6/11/04
Handlos, Lawrence Audubon Co. (4)	Animal Feeding Operation; Wastewater	Construction Without Permit; Failure to Submit MMP; Operation Violations; Stormwater – Operation Without Permit	Referred to Attorney General	Referred Petition Filed Trial Date	7/21/03 3/12/04 5/11/05
Jolin, John; Michael Kolbold Sioux City (3)	Underground Tank	UST Closure	Order/Penalty	Referred Petition Filed Motion for Partial Summary Judgment Hearing Date Partial Summary Judgment for Department	3/17/03 12/29/03 3/22/04 6/07/04 7/18/04
Kelso, John C. Worth Co. (2)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	11/18/02
M.A., Inc. and Mark Anderson; Spring Grove MHP; Westside Park for Mobile Homes Burlington (6) UPDATED	Wastewater	Monitoring/Reporting; Operational Violations; Operator Discipline	Order/Penalty	Referred Motion for Judgment Hearing Date	1/21/03 4/12/04 10/25/04
Northeast Iowa Citizens for Clean Water (NICCW)	Wastewater	DNR Defendant	Defense	Petition Filed DNR's Answer NICCW's Application for Stay NICCW's Brief for Stay DNR's Resistance DNR's Brief in Resistance Hearing on Motion Ruling Denying Stay NICCW's Motion to Reconsider DNR's Resistance Hearing on Motion to Reconsider Ruling Denying Motion to Reconsider NICCW's Application for Interlocutory Appeal DNR's Resistance to Interlocutory Appeal Supreme Court Order Denying NICCW's Appeal	8/29/03 9/25/03 10/21/03 10/21/03 11/05/03 11/14/03 12/22/03 1/29/04 2/04/04 3/01/04 4/08/04 4/20/04 4/28/04 5/11/04 6/08/04
Oberly, Marvin		Operation	Without	Referred	7/15/02

Environmental Protection Commission Minutes

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Burlington (6)	UPDATED	Wastewater	Permit	Order/Penalty	Petition Filed Motion for Default Judgment Order Granting Default Judgment (\$5,000/Civil; \$1,300/Admin; Injunction	3/15/04 8/04/04 8/04/04
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)		Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean- up Order) Contempt Application Contempt Hearing Date Contempt Finding and Civil Penalty (\$100,000 and 30 Days in Jail – Suspended until 7/8/03) Hearing Regarding Contempt Order Regarding Bond/Cleanup Deadline Bond Posted State Objections to Bond Ruling Denying Objections to Bond Status Hearing Date	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00 12/12/02 2/20/03 2/20/03 7/09/03 8/01/03 8/01/03 8/20/03 9/18/03 4/16/04
Plain, Dennis and Brenda Sac City (3)	UPDATED	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Case Closed	4/19/04 9/02/04
Roquette America, Inc. Keokuk (6)		Air Quality	Violations – Other	Order	Referred	4/21/03
Roquette America Keokuk (6)		Air Quality	DNR Defendant	Defense	Petition Filed DNR's Answer DNR's Resistance to Temporary Injunction Hearing on Temporary Injunction DNR's Brief in Resistance Roquette's Brief Ruling on Temporary Injunction	8/28/03 9/11/03 9/11/03 9/11/03 9/29/03 9/30/03 1/14/04
Schlag, Dana d/b/a Plantation Village Mobile Home Park Burlington (6)		Drinking Water	MCL; Public Notice Monitoring/Reporting – Radioactivity	Order/Penalty	Referred	7/21/03
Schoenberr, R. B. d/b/a Long Branch Tavern		Drinking			Referred Court Order	6/20/97 12/09/98

Monmouth (1)	Water	Permit Renewal		Orders/Penalties	Re-Referred	11/21/02
Simon, Carl Dubuque Co. (1)	Animal Feeding Operation	Prohibited Discharge – Confinement; Freeboard		Order/Penalty	Referred Criminal Charge in Federal Court Grand Jury Indictment	7/21/03 2/04 4/07/04
Snoody, Pat Honey Creek Campground Crescent (4)	Drinking Water	Monitoring/Reporting-Bacteria, Nitrate; Public Notice		Order/Penalty	Referred	10/20/03
Trafton Environmental, Inc.; Harry Trafton; Interstate Lounge, Inc. Underwood (4) UPDATED	Underground Tank	UST Closure		Order/Penalty	Referred Petition Filed Motion for Partial Summary Judgment Hearing Date Order (\$9,140/Admin. & Tank Fees) Civil and Admin. Penalties (\$11,140) Paid in Advance of Decree Consent Decree	2/17/03 1/02/04 2/05/04 3/01/04 3/15/04 6/14/04 6/21/04
Van Meter Development Corp.; C. Dave Albright Polk Co. (5)	Wastewater	Operation Permit; Prevention Violations	Without Pollution Plan	Order/Penalty	Referred	2/17/03
Wisconsin North, LLC d/b/a K & K Food & Gas, Inc.; Khushat Singh UST#8606990 Davenport (6) UPDATED	Underground Tank	Corrective Failure to Release; Detection	Action; Report a Leak	Referred to Attorney General	Referred Petition Filed Motion for Default Judgment Default Judgment (\$100,000/Civil Against Natural Petroleum, Inc.) Motion to Compel Order Granting Motion to Compel Order Granting Motion to Compel	3/17/03 11/07/03 1/20/04 1/22/04 5/28/04 6/14/04 6/21/04
Wisconsin North, LLC d/b/a National Petroleum Co. UST #8606997 Clinton (6) UPDATED	Underground Tank	Failure to Initiate Corrective Action-CDR		Referred to Attorney General	Referred Petition Filed Motion for Default Judgment Default Judgment (\$100,000/Civil Against Natural Petroleum, Inc.) Motion to Compel Order Granting Motion to Compel	10/21/02 11/07/03 1/20/04 3/16/04 5/28/04 6/29/04

Contested Cases

4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	3/19/04 – Settlement conversation/message to appellant's attorney.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	4/20/04 – ISF and Dept. attorneys unsuccessful attempt to contact AG Wastes Consultants attorney.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	Consent order sent to City for review and mayor's signature. 12/26/03 – Dept. follow-up letter to City attorney. 12/29/03 – Response from City. 2/04 – Dept. permit writer drafting revised permit. 3/04 – Status report requested from permit writer. 4/16/04 – Dept. letter to City attorney regarding settlement with copy of draft revised NPDES permit. 5/19/04 – Follow-up letter to City attorney regarding permit. 8/04 – To be set for hearing since no settlement achieved. 9/1/04 – FO4 letter to City regarding status of construction to meet schedule in construction permit.
4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee	5	Admin. Order	SW/H C	Tack	Clean-up of white goods is complete. A few capacitors remain for proper disposal.
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	4/26/04 – Settlement invitation letter sent.
9/05/00	Thomas Kronlage	1	Admin. Order/Penalty	AFO	Clark	6/30/04 – Tentative settlement.
10/06/00	Linwood Mining & Mineral Corp.	6	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
11/20/00	Randy Golden d/b/a R. Excavating	4	Admin. Order/Penalty	WW	Tack	6/11/04 – District Court judgment for Dept. Case closed.
12/01/00	Postville, City of	1	Admin. Order	WW	Murphy	Court hearing set for 2/05.
8/09/01	Nevada, City of	5	Admin. Order/Penalty	UT	Wornson	Compliance achieved. Received partial penalty. Working on SEP.
8/13/01	ABC Disposal Systems, Inc.	1	Admin. Order/Penalty	SW	Tack	4/15/02 – Proposed decision upheld by EPC. Petition for judicial review filed. 12/26/02 - District Court ruled in favor of Dept. 1/28/03 – Appealed to Iowa Supreme Court. 6/14/04 – Iowa Court of Appeals upheld the Admin. Order requiring ABC to get a sanitary disposal project permit. Case closed.
10/02/01	Daryl Larson	6	Admin. Order	AFO	Clark	Negotiating before filing.
11/01/01	Feeders Grain & Supply, Inc.; James Curtis; Carolyn Curtis	4	Admin. Order/Penalty	WW/ HC	Wornson	Compliance achieved. 8/20/04 - Penalty settled. Case closed.
11/07/01	Sir Fredericks, Inc.	5	Admin. Order/Penalty	UT	Wornson	Tier 2 submitted. CADR required. Negotiating penalty.
11/26/01	LeMars, City of	3	Admin. Order/Penalty	WW	Hansen	1/04- Letter to City attorney regarding compliance status. 3/29/04 – Proposed ordinance received regarding enforcement of pretreatment program from City's engineer. 4/1/04 – SEP proposal received from City. Meeting held 4/02/04 to discuss settlement. 5/04 – Further information received from City attorney.
11/27/01	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal resolution. 1/04 – Letter to attorney regarding appeal. 4/04 – Dept. letter to attorney regarding appeal.
12/17/01	Keith Stoterau; Hopp Construction Co., Inc.	4	Admin. Order/Penalty	WW	Murphy	1/21/04 - \$2,500 of \$5,000 penalty received from Stoterau. 7/30/04 – Sent to DIA.
1/09/02	Roger Eblen; Roger Eblen Development; Duane Menke	4	Order/Penalty	WW	Murphy	Hearing continued. Settlement discussions with one party. Motion for default vs. Eblen filed 11/26/03 and granted 12/3/03. Motion to set aside default filed. 3/25/04 – FO met on-site with Eblen. Plan of action to be submitted.
1/18/02	Robert Ward	6	Order/Penalty	WW	Tack	Clean-up underway.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	10/31/02 – Construction permit issued for improvement to lagoon system. 10/31/03 – Update on construction project requested from Dept.

						engineer. 1/30/04 – Status report requested from Dept. staff. 2/24/04 – Letter sent to attorney regarding resolving appeal. 3/15/04 – Letter from facility attorney regarding proposed upgrade with sand filters. 4/26/04 – Dept. letter to MHP attorney requesting construction schedule for project. 5/17/04 – Letter from MHP attorney with new schedule.	
1/29/02	Partners Investments, Inc.	Four	2	Order/Penalty	UT	Wornson	Tier 2 accepted high risk. Negotiating penalty as condition of completion of further corrective action. Meeting with RP and consultant 9/27/04.
2/20/02	Storm Lake, City of		2	Permit Conditions	WW	Hansen	3/03 – One year of TKN monitoring completed by City. 12/26/03 – Follow-up letter to City attorney regarding status of stream study. 1/04 – City attorney sent letter regarding stream study. 2/04 – Status report requested from Dept. staff. Per Dept. engineer – 3/29/04 City to perform more stream sampling. 6/15/04 – City report received – under review. 7/19/04 – WQ section reviewed stream study results and recalculated WLA and NPDES permit limits. 7/27/04 – WW permits staff to review WLA/permit limits. 8/31/04 – Update requested from WW permits staff.
4/11/02	William Habhab		2	Order/Penalty	SW	Tack	Site sold to City of Ft. Dodge. City has begun clean-up. Hearing set for 11/1/04.
5/08/02	James and Retha Wilson		4	Order/Penalty	UT	Wornson	Compliance initiated. Negotiating penalty as a condition of completion of further corrective action. Hearing scheduled for 9/17/04.
5/10/02	Wellington Environmental		6	Order/Penalty	AQ	Book	3/03 – Settled. Consent order signed. Penalty is a non-monetary SEP to be conducted over the next 9 months. Completed half of the required 12 classes, deadline for remaining 6 classes moved to August, 2004, due to planning and financial difficulties. New consent agreement in place. 10/04 deadline with 3 remaining classes.
5/13/02	Avery Feeder Pig Co.		2	Order/Penalty	AFO	Clark	5/01/03 – Settled. Monthly installment commenced 5/15/03.
6/03/02	Richard Caves; Charlotte Caves		5	Order/Penalty	HC	Tack	11/02 - Richard Caves' bankruptcy pending. Negotiating resolution.
7/02/02	Wellington Environmental (Iowa City)		6	Order/Penalty	AQ	Book	3/03 – Settled. Consent amendment signed. Penalty to is a non-monetary SEP to be conducted over the next 9 months. New consent agreement in place. 10/04 deadline with 3 remaining classes.
7/10/02	Kevin Wallerich		6	Order/Penalty	SW/WW	Tack	9/03/04 – Onsite meeting resulted in settlement agreement.
7/18/02	Mt. Pleasant, City of		6	Order/Penalty	WW	Hansen	\$500 penalty payment received for uncontested portion. 12/03 – Dept. letter with settlement offer. 1/30/04 – Dept. letter sent regarding settlement. 2/24/04 & 3/31/04 – Follow-up letters sent regarding settlement. 4/26/04 – Letter received from City attorney regarding Dept. settlement proposal.
7/23/02	Doug Wedemeyer		4	Order/Penalty	AFO	Murphy	4/30/04 – DNR letter sent.
7/31/02	Nevada, City of		5	Order/Penalty	WW	Murphy	Settled. Awaiting SEP payment.
8/12/02	Garry B. Pellett; Pellett Chemical Co., Inc.		4	Order/Penalty	UT	Wornson	Tank closure completed. 4/15/04 – Penalty of \$2,640 and delinquent tank fees received. Case closed.
8/15/02	Lehigh Portland Cement		2	Order/Penalty	WS	Clark	4/29/04 – Appellant's attorney agrees to consult with client to determine whether reason for appeal still exists.
8/23/02	Clifton Clark		4	Order/Penalty	AQ/SW	Tack	Inspection on 6/27/03. Significant progress made on cleanup. Continued efforts needed.
8/25/02	Kenneth Dahlhauser		2	Order/Penalty	AFO	Clark	3/1/04 – Appellant's attorney agrees to send another settlement letter to client.
9/03/02	Peter Cook		6	Order/Penalty	AQ/SW	Book	Settled. Awaiting clean-up and penalty payment.
10/01/02	Stan Siems		2	Order/Penalty	AQ/S	Tack	All tires have been removed. Negotiating penalty.

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10/02/02	Sioux City, City of	3	Permit Conditions	FP	Clark	4/30/04 – Dept. contacts City to confirm understanding that appeal will be withdrawn.
11/22/02	Schell Family Partnership	5	Order/Penalty	SW/H C	Tack	Waiting for engineer's cost estimates.
11/27/02	River City Development; Russell Hardy	2	Order/Penalty	UT	Wornson	Appeal untimely. Tiered assessment completed. CADR/Tier 3 initiated. Negotiating penalty settlement conditioned on completion of further corrective action.
11/27/02	Chelsea, City of	5	Order/Penalty	WW	Murphy	9/18/03 – DNR letter. Will monitor for compliance through winter of 2004.
1/13/03	Merrell Butler	4	Order/Penalty	AFO	Murphy	8/24/04 – Penalty received. Case closed.
1/13/03	Glen Samuelson	4	Order/Penalty	AFO	Murphy	8/24/04 – Penalty received. Case closed.
1/13/03	Butler Custom Pumping; Robert Butler	4	Order/Penalty	AFO	Murphy	8/24/04 – Penalty received. Case closed.
1/29/03	A.R. Wendler; W.B. Contract Swine Production	3	Order/Penalty	AFO	Tack	3/18/03 – Settlement offer sent.
2/05/03	Landfill of Des Moines, Inc.	5	Order/Penalty	SW	Tack	Physical site closure completed. Waiting for closure certification from engineer.
2/10/03	Doug Osweiler	6	Order/Penalty	AFO	Book	Negotiating before filing.
2/24/03	Ray Slach	6	Order/Penalty	AFO	Clark	4/29/04 – Settlement invitation letter sent.
3/04/03	Iowa Select Farms; Swartz Finisher Farm	2	Order/Penalty	AFO	Clark	5/28/04 – Dept. makes counter offer in response to appellant's settlement offer. 6/15/04 – Second round of offers.
4/04/03	Natural Pork Production II, LLP (03-AFO-13)	6	Order/Penalty	AFO	Murphy	1/02/04 – DNR letter.
4/25/03	Ag Processing Inc.	2	Permit Conditions	AQ	Preziosi	Still negotiating. Information due from appellant September 15, 2004.
5/15/03	Steve Walter d/b/a Walter & Son Waste Hauling	6	Order/Penalty	AFO	Murphy	9/1/03 – Facility being sold. Bankruptcy hearing 9/11/03. 1/02/04 – DNR letter to attorney. 5/12/04 – Appellant's response.
5/28/03	Denny Geer	4	Order/Penalty	SW	Tack	Penalty settlement of \$500 paid on 6/17/04. Case closed.
6/23/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Kerrigan Gilt/Union Co.)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
6/23/03	D & D Ag Enterprises LLC	4	Order/Penalty	AFO	Clark	Negotiating before filing.
7/01/03	Casey's General Stores (03-UT-03 through 03-UT-06)	4	Order/Penalty	UT	Wornson	Compliance achieved except negotiating penalty/SEP before filing.
7/09/03	Country Terrace MHP	5	Order/Penalty	WW	Hansen	8/04 – Hearing reset to 10/18-19/04, at request of appellant.
7/10/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Clarke/Union)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
7/14/03	Brad Taylor	4	Order/Penalty	AQ/S W	Tack	Partial site clean-up completed. Hearing set for 11/19/04.
7/28/03	Poverty Acres Feedlot Inc.	3	Order/Penalty	AFO	Clark	8/03/04 – Settlement offer from appellant. 8/30/04 – Dept. makes counter offer.
8/12/03	Southern Waste Handling, Inc.	5	Order/Penalty	AFO	Clark	Negotiating before filing.
8/12/03	Cargill (Sioux City)	3	Variance Denial	AQ	Preziosi	Negotiating before filing.
8/16/03	Cedar Rapids, City of	1	Order/Penalty	WW	Murphy	Hearing held 6/30/04. 7/20/04 – ALJ decision.
8/19/03	Harlan, City of	4	Order	WW	Hansen	10/15/03 – Plans and specs received from City engineer. 1/13/04 – Dept. issued construction permit for WWTF project. 4/04 – Dept. letter to City regarding resolution of appeal. 6/04 – Amended order to be negotiated.
8/29/03	Country Living Mobile Home Park	5	Order/Penalty	WW	Hansen	6/23/04 – Construction permit issued. Settlement offer will be made.
9/02/03	Kent Kiburz	2	Order/Penalty	SW	Tack	Clean-up underway.
9/04/03	Easter Enterprises, Inc.	5	Order/Penalty	UT	Wornson	Compliance initiated, prepare settlement document.
9/05/03	Strawberry Point, City of	1	Order/Penalty	WW	Murphy	1/5/04 – City to upgrade facilities, compliance will

						be monitored through 2005.
9/25/03	Ag Processing Inc.	4	Permit Conditions	AQ	Preziosi	Still negotiating. Information due from appellant 9/15/04.
10/01/03	Casey's Marketing Co. UST#8606588, Jefferson	4	Order/Penalty	UT	Wornson	Compliance achieved. SEP proposed.
10/06/03	Dennis Bandstra d/b/a Big Dutch	3	Order/Penalty	AQ	Book	Consent amendment final. Payment plan on schedule.
10/08/03	TEGH, Inc. (03-UT-15)	6	Order/Penalty	UT	Wornson	Negotiating before filing.
10/08/03	D & S Swine, LLC	2	Order/Penalty	AFO	Murphy	7/30/04 – Settled. Awaiting penalty payment.
10/27/03	B & Food & Gas, Inc. (03-UT-12)	6	Order/Penalty	UT	Wornson	Negotiating before filing.
10/27/03	U.S. Nation Mart, Inc. (03-UT-14)	6	Order/Penalty	UT	Wornson	Negotiating before filing.
11/19/03	Harlan Clasen	3	Order/Penalty	AQ/S W	Tack	Negotiating before filing.
11/19/03	Ron Fisher Furniture	1	Amended Order	AQ	Preziosi	Negotiating before filing.
11/20/03	ADM – Clinton	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
11/21/03	Russell and Kay Barkema; K & R Construction	2	Order/Penalty	AQ/S W	Book	Consent amendment final. Payment plan on schedule.
12/02/03	Jeff Holland	2	Order/Penalty	AFO	Clark	Negotiating before filing.
12/05/03	Boyer's Sand and Rock, Inc.; William Boyer	3	Order/Penalty	UT	Wornson	Settlement agreement sent 3/2/04.
12/15/03	AGP (Emmetsburg)	3	Permit Conditions	AQ	Preziosi	Still negotiating. Information due from appellant 9/15/04.
12/22/03	Pocahontas, City of	3	Order/Penalty	WW	Murphy	4/06/04 – Settlement offer by City. 4/13/04 – Offer accepted by DNR. 5/26/04 – Fish restitution paid. SEP to be finalized.
12/29/03	T. Patrick Cashman; Laurie Cashman	5	Order/Penalty	AFO	Clark	Negotiating before filing.
1/21/04	Bob Kerrigan	4	Order/Penalty	AFO	Clark	Negotiating before filing.
1/22/04	Van Veldhuizen Dairy	3	Order/Penalty	AFO	Book	Settled. Consent amendment final. Payment plan on schedule.
1/22/04	Nestle Purina Pet Care	1	Permit Conditions	AQ	Book	Being handled by AQ management.
1/30/04	John Schmall d/b/a Carpenter Bar & Grill	2	Order/Penalty	WS	Hansen	2/26/04 – Letter to WS attorney regarding resolving appeal.
2/09/04	Lenox Manufacturing (11 permits)	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/09/04	Swine USA, LP	5	Order/Penalty	AFO	Clark	Negotiating before filing.
2/16/04	Iowa Ethanol, LLC; Reilly Construction Co., Inc.	2	Order/Penalty	WW	Murphy	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Otter Creek Ethanol, LLC	3	Order/Penalty	WW	Murphy	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Iowa Ethanol, LLC	2	Order/Penalty	WS/ WW	Murphy	Meeting held 4/07/04.
2/18/04	Larry Johnson; Denzel Edwards	4	Order/Penalty	AQ/S W/H C	Tack	4/15/04 - \$3,000 penalty settlement received from Larry Johnson.
2/18/04	Gettler Dairy, Inc.; Dave and Kristen Gettler	4	Order/Penalty	AFO	Clark	Negotiating before filing.
2/23/04	American Shell Co., Inc.; James L. Peach		Order/Penalty	UT	Wornson	Report submitted – under DNR review.
3/01/04	Shenandoah, City of	4	Order/Penalty	AQ/S W	Tack	Negotiating before filing.
3/04/04	Tim Trostel	2	Order/Penalty	AFO	Clark	Negotiating before filing.
3/15/04	Gary Lund, Lund Construction	2	Order/Penalty	AQ/S W	Book	Settled. Consent amendment final. Payment plan on schedule.
3/15/04	Iowa Falls, City of	2	Order/Penalty	WW	Hansen	6/04 – Dept. letter to City attorney regarding settlement.
3/15/04	Regional Environmental Improvement Commission of Iowa County	6	Order/Penalty	SW	Tack	Negotiating before filing.

3/16/04	Axtell Finishers; James Axtell	2	Order/Penalty	AFO	Clark	7/29/04 – Dept. reject Axtell's settlement offer and inquires if immediate transfer to DIA is desired.
3/16/04	Julie Oden	5	Order/Penalty	AQ	Preziosi	Settled. Penalty payment schedule established through 9/30/04.
3/18/04	Edwin Pagliai, et.al. (04-UT-02)	5	Order	UT	Wornson	Compliance achieved. Case closed.
3/18/04	Mike Pagliai; JBTU (04-UT-03)	5	Order	UT	Wornson	Compliance achieved. Case closed.
3/18/04	Edwin Pagliai, et.al. (04-UT-04, 04-UT-05; 04-UT-06)	5	Order/Penalty	UT	Wornson	Compliance achieved. Case closed.
3/22/04	Crest Country Inn	6	Order/Penalty	WW	Murphy	4/28/04 – Letter sent to appellant. 5/10/04 – Response. 5/28/04 – Letter sent to appellant. 7/9/04 – Sent to DIA. Search AOP issued.
3/23/04	Michael and Keri Sickles	4	Order/Penalty	SW	Tack	Clean-up completed. \$750 settlement offer sent 6/29/04.
3/24/04	Lake Place	2	Order/Penalty	WS	Book	Unable to locate owner. Will continue to look.
4/02/04	Sunny Brae Golf and Country Club	2	Order/Penalty	WS	Tack	Compliance review continuing. Penalty will be forgiven upon receipt of clean 3rd quarter bacteria test results.
4/02/04	LeMars, City of	3	Order/Penalty	WW	Hansen	4/02/04 – Meeting held to discuss settlement.
4/08/04	Silver Creek Feeders	4	Permit Conditions	AFO	Clark	Negotiating before filing.
4/16/04	Ag Processing Inc. (Sheldon)	3	Permit Conditions	AQ	Preziosi	Still negotiating. Information due from appellant 9/15/04.
4/16/04	Ben Haven Mobile Home Park	1	Order/Penalty	WS	Clark	Negotiating before filing.
4/19/04	Richard Juhl	4	Order/Penalty	AQ/SW	Book	6/25/04 – Default entered.
4/19/04	ADM – Clinton	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
4/19/04	Ray Zellmer	4	Order/Penalty	AQ/SW	Book	Settled. Awaiting signed consent amendment.
4/23/04	Curt Kline; Connie Kline	4	Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/26/04	Miles McDougal	3	Order/Penalty	AFO	Book	ALJ confirmed order with full penalty.
5/03/04	Steven Grettenberg	2	Order/Penalty	AFO	Book	Negotiating before filing.
5/04/04	West Central Cooperative	4	Permit Denial	AQ	Preziosi	Negotiating before filing.
5/04/04	Allsteel, Inc.	6	Order/Penalty	AQ	Book	Settled. Consent agreement in place. Awaiting penalty payment.
5/06/04	Terry Nibbelink	3	Order/Penalty	AFO	Clark	Negotiating before filing.
5/10/04	Allan Glienke	3	Order/Penalty	AFO	Clark	8/19/04 – Penalty settlement paid. Case closed.
5/11/04	Clark Partnership; Dennis Clark; Terrence Clark	3	Order/Penalty	AFO	Clark	Negotiating before filing.
5/11/04	Williams Brothers Garage	4	Order/Penalty	WW/SW/AQ	Tack	Negotiating before filing.
5/11/04	Jeff Salsbery	6	Order/Penalty	AFO	Book	ALJ affirmed order with full penalty.
5/12/04	Ag Processing, Inc.	3	Permit Conditions	AQ	Preziosi	Still negotiating. Information due from appellant 9/15/04.
5/12/04	Hunt Brothers; Chris Hunt	3	Order/Penalty	AFO	Book	Negotiating before filing.
5/13/04	Allen Hooper	1	Order/Penalty	AFO	Clark	Negotiating before filing.
5/14/04	G & S Farms; Greg DeBoer	3	Order/Penalty	AFO	Book	Hearing set for 8/12/04. Default entered.
5/14/04	Rural Iowa Solid Waste Mgmt.	2	Order/Penalty	SW	Tack	Negotiating before filing.
5/18/04	Alton, City of	3	Order/Penalty	FP	Clark	Negotiating before filing.
5/18/04	Steve Link	1	Order/Penalty	AFO	Book	8/23/04 – Penalty paid. Case closed.
5/18/04	Keith Haroldson	3	Order/Penalty	AFO	Book	Negotiating before filing.
5/20/04	Galen Haack	3	Order/Penalty	AQ	Book	Settled. Consent order in place.
5/25/04	CDI, LLC	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/26/04	Casey's Marketing Co. (5 locations)	5	Order/Penalty	AFO	Wornson	Compliance achieved. Negotiating SEP.
5/27/04	CDI – Charles City	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/28/04	Maquoketa Shoreline	1	Order/Penalty	WW	Murphy	Negotiating before filing.

	Development, Inc.					
6/02/04	Racer's Bar and Grill	2	Order/Penalty	WS	Book	Waiting to hear from owner on possible settlement.
6/09/04	Kevin Miller	1	Operation Permit	WS	Hansen	6/24/04 – FOI letter to WS regarding permit requirements. 7/12/04 – Compliance with disinfection requirements initiated.
6/11/04	The Universal Assembly of Christians, Inc.; Marsha Leigh	4	Order/Penalty	AQ/S W	Tack	Default judgment obtained on 8/23/04. To be referred to AG in September, 2004.
6/11/04	University of Iowa	6	NPDES Permit	WW	Hansen	Negotiating before filing.
6/11/04	Long Branch Maintenance Corp.	4	Order/Penalty	WS	Hansen	7/15/04 – Informal meeting to discuss settlement. Attorney for WS to respond by 8/27/04.
6/18/04	CDI – Charles City	2	Title V Permit Determination	AQ	Preziosi	Negotiating before filing.
6/18/04	Schmidt Distribution, Inc. d/b/a Shoppers Supply Co.	2	Order/Penalty	AQ	Preziosi	Negotiating before filing.
6/18/04	Sparboe – Eagle, LLC	2	Operation Permit	WS	Hansen	7/19/04 – Sampling initiated by WS.
6/18/04	Fred DeJong & Sons Excavating	3	Order/Penalty	AQ	Book	Settled. 8/20/04 – Penalty paid. Case closed.
6/18/04	Phillip Renze	3	Order/Penalty	AFO	Clark	Negotiating before filing.
6/18/04	Doug Renze	3	Order/Penalty	AFO	Clark	Negotiating before filing.
6/18/04	City of Lake View	3	Order/Penalty	WW	Hansen	8/30/04 – Penalty settlement received. Case closed.
6/24/04	Holly A. Brown Construction	3	Order/Penalty	AQ/S W	Book	Settled. Consent order being signed.
6/24/04	Jansma Cattle Co., Inc.	3	Order/Penalty	AFO	Murphy	Negotiating before filing.
6/25/04	Eischeid Farms, Inc.	4	Order/Penalty	AFO	Clark	Negotiating before filing.
6/25/04	Steve Renze	3	Order/Penalty	AFO	Clark	Negotiating before filing.
6/28/04	Ellsworth Turkey, LC; Sunrise Turkey Farm	2	Order/Penalty	AFO	Book	Settled. Consent amendment sent to attorney.
6/28/04	Ellsworth Turkey, LC; South Side Turkey Farm	2	Order/Penalty	AFO	Book	Settled. Consent amendment sent to attorney.
6/28/04	Ellsworth Turkey, LC; Blue Sky Turkey Farm	2	Order/Penalty	AFO	Book	Settled. Consent amendment sent to attorney.
6/28/04	Michael Veenstra; Alan Veenstra	5	Order/Penalty	AFO	Clark	Negotiating before filing.
6/28/04	Robin Hower	6	Order/Penalty	AFO	Book	Negotiating before filing.
6/28/04	Marvin Bates	6	Order/Penalty	AQ/S W/W W	Tack	Compliance to be reviewed in 10/04.
6/29/04	Imperial Properties	5	Order/Penalty	UT	Wornson	Negotiating before filing.
7/01/04	Ellsworth Bros. Manure Pumping	2	Order/Penalty	AFO	Clark	8/31/04 – Appellant makes settlement offer.
7/14/04	Joe Wenger	6	Order/Penalty	AQ	Book	Settled. 8/30/04 – SEP completed. Case closed.
7/16/04	Ed Cook	3	Order/Penalty	AQ	Book	Negotiating before filing.
7/16/04	Dean Gettler	4	Order/Penalty	AFO	Book	Negotiating before filing.
7/20/04	Chad Kooima	3	Order/Penalty	AFO	Book	Negotiating before filing.
7/26/04	B & B Sandhill Swine	1	Order/Penalty	AFO	Clark	Negotiating before filing.
7/26/04	Randy Gergen	3	Order/Penalty	AFO	Clark	Negotiating before filing.
7/27/04	Roger Eschen	6	Order/Penalty	SW	Tack	Negotiating before filing.
7/27/04	John Hansen Farms	3	Order/Penalty	AFO	Clark	Negotiating before filing.
7/28/04	Darron Rusk	3	Order/Penalty	AFO	Book	Negotiating before filing.
8/02/04	James Vermeer	3	Order/Penalty	AFO	Clark	New case.
8/02/04	Dennis Rowenhorst	3	Order/Penalty	AFO	Clark	New case.
8/06/04	Eldora, City of	1	Permit Conditions	WW	Hansen	New case.
8/17/04	Harold Dekkers	3	Order/Penalty	AFO	Book	New case.
8/17/04	Gary Wedewer	1	Order/Penalty	AFO	Book	New case.
8/18/04	Alan W. Kruger, et.al.		Permit Issuance	FP	Clark	New case.
8/19/04	F.J. Krob & Co.	1	Order/Penalty	HC/ WW	Murphy	New case.
8/20/04	Alan Thomann	6	Order/Penalty	AFO	Book	New case.
8/26/04	Jim Schmitz	3	Order/Penalty	AFO	Clark	New case.

8/30/04	Brad Dirksen	3	Order/Penalty	AFO	Clark	New case.
8/30/04	Don and Bill Adam, Inc.	6	Order/Penalty	AFO	Clark	New case.
8/30/04	Ames, City of	5	Permit Conditions	AQ	Preziosi	New case.

Iowa Department of Natural Resources
Environmental Services
Report of WW By-passes

During the period August 1, 2004 through August 31, 2004, 13 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October '03	8(5)	0.182	0.010	3	1(0)
November '03	4(3)	0.701	0.264	2	0(0)
December '03	11(4)	0.209	0.065	2	0(0)
January '04	5(3)	0.479	0.165	3	0(0)
February '04	10(4)	0.269	0.032	2	0(0)
March '04	7(7)	0.524	0.022	3	0(0)
April '04	8(8)	0.608	0.072	1	0(0)
May '04	9(9)	0.499	0.042	4	0(0)
June '04	7(6)	0.038	0.001	2	0(0)
July '04	3(5)	0.354	0.072	2	0(0)
August '04	13(2)	0.267	0.050	7	0(0)
September '03	4(5)	0.177	0.006	1	0(0)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
3	1	2	2	2	3

INFORMATIONAL ONLY

GENERAL DISCUSSION

Wayne Gieselman gave an update on the Silver City petroleum spill in 1990. We have been checking the public water supply and it has never shown any levels of petroleum contamination above the action levels. It's not to say that there have not been any traces of petroleum but nothing that levels would consider to be dangerous. The water supply in Silver City is safe on our standards that are applied to petroleum.

Betty Millard said that she will not stop pursuing the petroleum spill until everything is resolved and the water is safe. All I want is for the drinking water of Silver City to be protected.

Jeff Vonk said that the Department has been a charter agency this last year, but under the new negotiations we will not be a participating Charter agency. The financial joining amount for this year was too risky with not enough benefits. They are asking \$500,000 rather than last year's rate of \$200,000. I would like to see the Department remain as a Charter agency. But as of today, we are not a Charter agency unless the financial obligations change.

Jeff Vonk asked about the availability of Commissioners for a joint Natural Resources Commission and Environmental Protection Commission training session on Wednesday, December 8th. Location is yet to be determined. Please get back to Lisa.

Jeff Vonk invited the Commissioners to the dedication of Summerset State Park in Indianola on October 7, 2004 at 6 pm. Lisa will e-mail the details.

NEXT MEETING DATES

October 18, 2004 – State Historical Bldg. (Classroom B, Third Floor)
November 15, 2004

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Darrell Hanson adjourned the meeting at 12:40 p.m., Monday, September 20, 2004 .

<i>Motion was made by Lori Glanzman to adjourn the meeting. Seconded by Terry Townsend. Motion carried unanimously.</i>

Jeffrey R. Vonk, Director

Darrell Hanson, Chair

Heidi Vittetoe, Secretary

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